

Licensing/Gambling Hearing

To: Councillors Hook, Knight, and Nicholls
Date: Thursday, 24 October 2024
Time: 3.00 pm
Venue: West Offices, York

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

4. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

5. Minutes

To approve and sign the minutes of the Licensing Hearings held on 8 August, 5 September, and 30 September 2024.

6. The Determination of an Application by Snazzy Brew Ltd for Determination of application for Premises Licence [Section 18(3) (a)] in respect of Snazzy Brew, 1A High Petergate, York, YO1 7EN. (CYC-078416)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

- Telephone – (01904) 55 4447
- Email - reece.wiliams@york.gov.uk

For more information about any of the following, please contact the Democratic Services officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

Alternative formats

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



Email us at: cycaccessteam@york.gov.uk



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We can also translate into the following languages:

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination

or disposal of any Appeal. The live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. The Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
7. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.
8. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.
11. The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the

application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
13. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. All paperwork relevant to the hearing will be published online on the Council's website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

16. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
17. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
18. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
19. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

23. The Chair will outline the procedure to be followed.

24. The Chair will proceed with the order of business on the agenda.

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

27. The Chair will invite the Applicant and/or their representative to address the Sub-Committee, present information in support of the application and call any witnesses to support their application, one witness at a time [*maximum 15 minutes*].

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case [*maximum 5 minutes each party*] in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	8 August 2024
Present	Councillors Baxter, Knight, and Nicholls
Officers in attendance	Lesley Cooke – Licencing Manager Sandra Branigan – Senior Lawyer

13. Chair (10:15am)

Resolved: That Councillor Knight be elected to act as Chair of the hearing.

14. Introductions (10:15am)

Introductions were made.

15. Declarations of Interest (10:16am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. No interests were declared.

16. Exclusion of Press and Public (10:16am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

17. Minutes (10:16am)

Resolved: That the minutes from the Licensing Hearings held on 30 May 2024 and 4 June 2024 be signed and approved as an accurate record.

18. The Determination of an Application by Café Frango (Haxby Road) Ltd for Determination of Application for Premises Licence [Section 18(3) (a)] in respect of Café Frango, The Pavilion at the Cocoa Works, Haxby Road, York, YO31 8TA. (CYC-078059) (10:16am)

Members considered an application by Edward Hustler for a Premises Licence [Section 18(3)(a)] in respect of Café Frango, the Pavilion at the Cocoa Works, Haxby Road, York, YO31 8TA.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the Hearing:

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it including the written representations received from local residents and the additional information submitted by the applicant.
3. The Licensing Manager's report and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, noting the opening and operating hours of the event. She explained that the plan of the premises was detailed in annex 1, and provided a larger printout of this to those in attendance at the hearing.

She explained that the premises was not in the Cumulative Impact Area and that the Applicant had carried out the consultation process correctly. She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with the police, as set out in Annex 3.

She drew attention to the representations made by one other person at Annex 5, and the additional information submitted by them within the agenda. She then advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representation at the hearing.

Edward Hustler (the Applicant) explained that he had also ran a restaurant in York from August 2023 which was food-led. He stated that he had created employment for around 16 people at this premises on both part time and full time contracts. This premises had a licence to sell alcohol up-to 01:00 hours, but this was not used, and the premises would usually be closed by around 22:30 – the hours of which were applied were in order to provide flexibility in the premises' capabilities and the Café did not expect to be open at 23:00.

He stated that he had agreed conditions with North Yorkshire Police.

He also mentioned that outdoor seating including around 12 seats would be available to customers until nighttime when they would be brought indoors. He also confirmed that the ancillary area on the plans would be available for primary use by residents. He then stated that as they operated without parking at their other premises, parking was not relative to their aims for this premises.

In response to questions from members, Edward confirmed that:

- As the building was new, it tended to be able to self-regulate its heating and so keeping the doors closed at night in the summer would not be an issue for overheating.
- This premises would be more informal compared to their restaurant in the city.
- They had no intention to become a late-night bar, and any event they held in the ancillary building would be held to benefit residents.
- In regard to paragraph 14(d) of the Licensing Manager's report, children would need to be in the care of an adult rather than their parent.

The Senior Lawyer sought clarification of the agreements made with North Yorkshire Police, as detailed in Annex 3, and the Applicant confirmed that:

- Condition 2 should have read “All sales of alcohol between 08:00 and 23:00 hours daily will be ancillary to food”.
- In relation to Condition 9, “The outdoor area as detailed on the premises plan” was already included within the premises’ boundaries on page 58 of the agenda.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was **rejected**.

Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. This option was **approved**.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.

Option 5: Reject the application. This option was **rejected**.

In approving Option 2, the Sub-Committee granted the licence for the following activities and timings as applied for together with modified/additional conditions imposed by the Sub-Committee (Option 2) as set out below:

Activities and Timings

Supply of Alcohol – on and off the premises 08:00 to 23:00 every day.

Opening Times 08:00 to 23:00 every day.

Additional Conditions

- 1) The premises shall operate predominantly as a café /food led premises and not as a vertical drinking establishment.
- 2) All sales of alcohol between 08:00 and 23:00 hours daily for consumption on the premises will be ancillary to food.
- 3) There shall be a minimum of 28 seats provided at all times for customer use inside the premises when the premises is trading.
- 4) A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.
 - It will be maintained, working and recording at all times when the premises are open.
 - The recordings should be of good evidential quality to be produced in Court or other such hearing.
 - Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
 - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
 - Copies of the recordings will display the correct time and date of the recording.
 - It is the responsibility of the management to ensure that there are sufficient members of staff available during the

hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

- 5) Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the: -
- Operation of the CCTV system (including the downloading of evidence – specific staff only);
 - Retail sale of alcohol;
 - Age verification policy;
 - Conditions attached to the Premises Licence;
 - Permitted Licensable activities;
 - The Licensing objectives, and;
 - The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

- 6) An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:
- All crimes reported to the venue;
 - Any complaints received regarding crime and disorder;
 - Any incidents of disorder;
 - Any faults in the CCTV system;
 - Any refusal of sale of alcohol;
 - Any visit by a relevant authority of emergency service;

With such records being kept for a minimum of one year. (For the avoidance of doubt, the one year period relates to each respective entry in the logbook and runs from the date of that particular entry);

- 7) On Sales of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

- 8) The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
- 9) The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo.
- 10) No open drinks containers shall be taken out of the licensed premises or (licensed area) onto the pavement or highway, with the exception of the external licensed area of the premises.
- 11) All off sales of alcohol shall be in sealed containers.
- 12) No external area at the premises shall be used after 21:00 hours.
- 13) All tables and chairs in the outside licensed area shall be stacked immediately after 21:00hrs and stored away securely at the premises when closed.
- 14) All Doors and windows shall be kept shut after 21:00 hours daily and during the playing of amplified music and other entertainment, except for immediate entry to and egress from the premises.
- 15) Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- 16) The licence holder shall ensure that children are in the sight and the care of an accompanying adult.

The conditions contained in the Operating Schedule shall be added to the licence unless contradictory to the above conditions.

The licence is also subject to the mandatory conditions applicable to licensed premises.

Reasons for the decision

The Sub-Committee carefully reviewed all the information presented to it in light of the licensing objectives and decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the sub-committee, for the following reasons:

The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

The Sub-Committee noted that the premises were not located within an area where a cumulative impact policy applies.

The Sub-Committee noted that this was a new licence application and was very conscious of the premises' location in proximity to local residences.

The Sub-Committee carefully considered the concerns raised by the local resident who had made representations in writing relating to the potential for public nuisance in the surrounding area with particular regard to concerns about noise disturbance emanating from the premises and off sales.

The Sub-Committee noted that the Police, who were the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, had agreed with the applicant a number of additional conditions to be added to the grant of a licence. The Sub-Committee considered the fact that the Police did not object to the application (subject to the imposition of agreed conditions) carried great weight.

It also noted that there were no representations from any other Responsible Authority.

Whilst the Sub-Committee acknowledged the concerns expressed by the nearby resident, it also considered the nature of the proposed operation, noting that the premises was intended to primarily operate as a food-led establishment with a minimum number of covers. It noted that the Applicant had agreed that all sales of alcohol for consumption on the premises would be ancillary to food. It also noted that the Applicant had

also agreed to a proposed condition to cease the use of the outside area from 9pm and to the closure of doors and windows to address potential public nuisance issues. The Sub-Committee was satisfied that there was no reason to believe that the proposed off sales would undermine any of the licensing objectives in this location. The Sub-Committee noted that the parking issues raised by the local resident are not relevant to its decision.

Overall, the Sub-Committee considered that it had received sufficient assurances from the Applicant in order to be satisfied that the premises would be operated responsibly to avoid noise nuisance and disturbance to local residents. It did not find any evidence to justify a refusal of the application in order to promote the licensing objectives. The Sub-committee felt that, based on the evidence before it, the additional conditions the Applicant had agreed with the Police, subject to the minor amendments made by the Sub-Committee, would be adequate to prevent public nuisance and crime and disorder in this location.

Accordingly, in all of the circumstances of the case the Sub-Committee was satisfied that with the additional conditions it imposed on the licence, the licence would be sufficiently robust to allay the fears of local resident and that it could operate without undermining the licensing objectives. It considered that the conditions were justified as being appropriate and proportionate for the promotion of the licensing objectives.

It was also noted that the Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant of a premises licence, a Responsible Authority or 'other persons', such as a local resident, to ask the Licensing Authority to review the licence if they consider that one or more of the licensing objectives are being undermined

Cllr Knight, Chair

[The meeting started at 10.15am and finished at 11.17am].

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Meeting	Licensing/Gambling Hearing
Date	5 September 2024
Present	Councillors Melly, Cuthbertson, and Knight
Officers in attendance	Helen Sefton – Senior Licensing Officer Sandra Branigan – Senior Lawyer Jodi Ingram – Legal Advisor

19. Chair (10:17am)

Resolved: That Councillor Cuthbertson be elected to act as Chair of the hearing.

20. Introductions (10:17am)

Introductions were made.

21. Declarations of Interest (10:18am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

22. Exclusion of Press and Public (10:19am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

23. The Determination of Section 52(2) Application by Lesley Cooke, Licensing Manager for the Licensing Authority, City of York Council for Review of a Premises Licence in respect of Slavic Foods, 47A Crichton Avenue, York, YO30 6EF (CYC-069000) (10:20am)

Members considered an application by the Licensing Manager, City of York Council, for a Review of Premises Licence for Slavic Foods, 47A Crichton Avenue, York.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective(s) were relevant to this Hearing:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. The Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objective, including:

1. The application and supporting documents.
1. The Senior Licensing Officer's report and her comments made at the Hearing. She outlined the report noting reasons for the application for the review of the licence and the information contained within the annexes to the report. She explained that between December 2023-2024 illegal vape products were sold at the premises, as well as people working without the legal right to work in the UK. She advised that cautions had been provided by North Yorkshire Police in relation to some licence breaches, and that there was an ongoing review by the trading standards team into the sale of tobacco products on the premises. She highlighted that there was a representation received from North Yorkshire Police, as a responsible authority, in Annex 3.

In response to questions from Members it was confirmed that the correct notices for details of the review hearing were served within the correct deadlines to the premises licence holder.

2. The Applicant's representations of Ms. Waudby on behalf of the Applicant at the Hearing.

Ms. Waudby made the following points:

- Multiple licence breaches were found following five separate inspections of the premises.
- Alcohol was on display without trained staff on each inspection.
- Evidence had been gathered on an inspection demonstrating an individual who was working without the right to work in the UK.
- On 22 February 2024 a male was arrested on the premises for not disclosing his identity when asked by the Police, and it was found that he was the same person who was working without right to work in the UK on the property during the previous inspection. On this occasion the male did not know that he had the right to work and so his employer could not have known that he had the right to work in the UK.
- In January 2022 the premises licence was transferred from the original licence holder to the current licence holder, without the Local Authority being notified of a transfer of the licence.
- The Designated Premises Supervisor (DPS) was in attendance at previous inspections when breaches of the licence were witnessed, and the current licence holder has not engaged with this licencing review process.
- On an inspection on 4 December 2023 illicit tobacco and vapes were on sale on the premises. On an inspection on 22 February 2024 illicit vapes were seized on the premises.

In response to questions from the Sub-Committee, Ms Waudby confirmed that:

- The receipt shown in Exhibit SB/1, on page 193 of the agenda, was evidence demonstrating employees working without the right to work in the UK. Working without right to work in the UK was an offence under the Licensing Act.
- There was information on City of York Council's website on transferring a licence to another person, and it was the responsibility of the person taking on the licence for this to be done properly.

5. The representations made by a Responsible Authority.

Police Sergeant (PS) Jacqueline Booth, North Yorkshire Police, stated that the current DPS had become so in December 2023 and was in attendance when alcohol was being sold on the premises. She also advised that the licence holder was requested to submit the relevant documents to the Licensing Authority to confirm their identity.

PS Booth stated that the Police interviewed the DPS under criminal offences contrary to licensable activity, and the statement which was presented was included within Exhibit SB/3, page 196 of the agenda. The DPS received a caution. Further investigation took place, and the Police found that there was no working CCTV, and no staff training records. They were asked to notify the licence holder of these issues.

PS Booth indicated that on 4 December 2023 the licence holder arrived at York Police Station and requested the keys to Slavic Foods as he had bought the premises. Upon a request by the Police to provide proof of identity the licence holder did not return, but upon re-inspection the Police found that the premises was open to the public without the licence holder having accessed the keys from the Police.

PS Booth stated that she believed that the failure to do proper checks on who was working at the premises, failure to comply with official communication, and the sale of illicit tobacco put into question the suitability for the licence holder to comply with the licence conditions.

In response to questions from the Sub-Committee, PS Booth confirmed that:

- The receipt shown in Exhibit SB/1, on page 193 of the agenda demonstrated that the person who made the sale did so without adequate training and was able to sell alcohol without the licence holder being present.
- Unsolicited tobacco and vapes were seized in December 2023, and liaison took place with trading standards officers to prosecute in response to licensable activity offences. E-cigarettes were still found on a subsequent visit.

On behalf of the Applicant, Ms Waudby was then given the opportunity to sum-up. Ms Waudby concluded that there had been multiple failures by the licence holder to comply with the conditions of their licence, and that the licence holder had not engaged with the process and no assurances had been made to suggest that the nature of the premises would be improved.

PS Booth was then given the opportunity to sum-up and concluded that North Yorkshire Police supported the application to revoke the licence. The prevention of crime and disorder licensing objective was being seriously undermined and the Police had no confidence that the licence holder or the DPS would adhere to the licence conditions or promote the licensing objectives.

Having regard to the application and the relevant representations, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 52(4) that it considered necessary for the promotion of the licensing objectives. Taking into consideration the above evidence and submissions received, the Sub-Committee deliberated the different options available to them and agreed to reject the following options:

Option 1: To modify the conditions of the licence (i.e., to alter, omit or add any new condition).

Option 2: To exclude a licensable activity from the scope of the licence.

Option 3: To remove the Designated Premises Supervisor.

Option 4: To suspend the licence for a period not exceeding three months.

The Sub-Committee noted that it also had the option to decide that no action is appropriate in order to promote the licensing objectives. The Sub-Committee agreed to reject this option.

The Sub-Committee's decision was to accept the following option:

Option 5: To revoke the licence.

Having heard the application for a review of the premises licence at Slavic Foods, the Sub-Committee resolved to revoke the licence for the premises (Option 5) on the grounds that the premises is not upholding the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

Reasons

1. In reaching its decision, the Sub-Committee gave due consideration to:
 - The promotion of the licensing objectives as set out in the Licensing Act 2003, in particular the prevention of crime and disorder and public safety.
 - The Council's Statement of Licensing Policy.
 - The Home Office Guidance issued under section 182 of the Licensing Act 2003.
 - The Licensing Sub-Committee agenda pack for the application.
 - The oral representations made during the hearing.
2. The Sub- Committee considered the following parts of the section 182 Guidance:

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that

approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
- Exclude a licensable activity from the scope of the licence,
- Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- Suspend the licence for a period not exceeding three months.
- Revoke the licence.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime.
- For the sale and distribution of illegal firearms.
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected.
- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.
- For prostitution or the sale of unlawful pornography.
- By organised groups of paedophiles to groom children.

- As the base for the organisation of criminal activity, particularly by gangs.
- For the organisation of racist activity or the promotion of racist attacks.
- For employing a person who is disqualified from that work by reason of their immigration status in the UK.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

3. The Sub-Committee received evidence of multiple breaches of the licence conditions on multiple occasions over a 9-month period. Breaches included CCTV not recording, lack of training records and lack of refusals process. The Sub-Committee considered that the persistent and significant breaches of the premises licence undermine the licensing objectives.
3. The Sub-Committee noted that there was evidence of an individual working in the premises without the right to work in the UK. The Sub-Committee viewed the employment of an illegal worker as a serious matter which would clearly undermine the licensing objective of prevention of crime and disorder. An incident involving the employment of an illegal worker on licensed premises would normally result in revocation of the premises licence.
4. The Sub-Committee received evidence that illicit vapes and tobacco have been seized from the premises. It considered that this undermines the licensing objectives, in particular prevention of crime and disorder and public safety.
5. The Sub-Committee noted that the DPS had been present at the time of breaches of the licence and had accepted a

caution in respect of the breaches identified on 22 February 2024. The same DPS was present when the Police again identified licence breaches on 8 August 2024. Given those failings the Licencing Authority and the Police have no confidence in the DPS to manage the premises to ensure that the licence conditions are adhered to, and the licensing objectives are upheld.

7. The Sub-Committee put weight on the fact that despite a stepped approach by the Police to give the management of the premises an opportunity to reform and comply with licence conditions, there had been no engagement with the Responsible Authorities by the premises licence holder.
8. The Sub-Committee considered all the options open to them and noted that whilst the Sub-Committee had to consider what appropriate steps to take on review, such steps taken must also be proportionate. It recognised that a request for revocation of a licence was a major and severe step that had to be treated seriously and would be likely to harm the business and its employees, and that they had to consider whether there were alternative measures such as imposing conditions or adopting another sanction using its powers available to it under section 52 (4) of the Licensing Act 2003.
9. They noted that the premises licence holder and the DPS had failed to comply with licensing conditions over a lengthy period. They felt that given the repeated failings at the premises (including significant breaches of conditions, the seizure of illicit vapes and tobacco and the presence of an illegal worker) the premises suffers from either a lack of regard or poor management control and they had no faith in the premises licence holder or the DPS to operate the premises in a responsible manner so as to uphold and promote the four licensing objectives in the future, and particularly prevention of crime and disorder and public safety. The Sub-Committee had received no assurances from the licence holder that he has the ability to appropriately control and manage the premises licence as he has not engaged with the review process.
10. Due to the gravity of the situation and taking into particular account the promotion of the crime prevention objective,

including acting as a deterrent, the Sub-Committee believed that other sanctions including the imposition of further or amended conditions or a suspension of the licence would be ineffective in the promotion of the licensing objectives.

11. Accordingly it was determined that the premises licence should be revoked.

Cllr Cuthbertson, Chair

[The meeting started at 10.17 am and finished at 11.15 am].

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Meeting	Licensing/Gambling Hearing
Date	30 September 2024
Present	Councillors Baxter, Kilbane (substitute for Cllr Cuthbertson), and Ravilious
Apologies	Councillor Cuthbertson
Officers in attendance	Helen Sefton – Senior Licensing Officer Jodi Ingram – Legal Advisor

24. Chair (10:25am)

Resolved: That Councillor Ravilious be elected to act as Chair of the hearing.

25. Introductions (10:25am)

Introductions were made.

26. Declarations of Interest (10:26am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

27. Exclusion of Press and Public (10:26am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

28. Minutes (10:26am)

Resolved: That the approval of the minutes of the meeting held on 5 September 2024 be deferred to the next meeting.

29. The Determination of Section 52(2) Application by Andrew Dickinson for Review of a Premises Licence in respect of Museum Gardens, Museum Street, York, YO1 7FR (CYC-009433) (10:26am)

Members considered an application by Andrew Dickinson for a Review of Premises Licence for Museum Gardens, Museum Street, York.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective(s) were relevant to this Hearing:

- 1) The Prevention of Public Nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objective, including:

- 1) The application and supporting documents.
- 2) The Senior Licensing Officer's report and her comments made at the Hearing. She outlined the report noting reasons for the application for the review of the licence and the information contained within the annexes to the report. She explained that the review had been brought to the sub-committee on the basis of the licensing objective of prevention of public nuisance, and that a noise complaint was received by City of York Council (CYC) after an event held by York Museums Trust in July 2024 where it was found that noise restrictions had been exceeded by 2 decibels (dB). It was noted that the licence held by York Museums Trust authorised the sale of alcohol and the provision of regulated entertainment. The Senior Licensing Officer highlighted that there was a representation received from Public Protection, CYC, as a responsible authority, in Annex 3. In response to questions from the Applicant, the Senior Licensing Officer reported that questions on details of noise complaints received since 2005 would be better posed to Public Protection.

- 3) The Applicant's representation at the hearing. Mr. Dickinson stated that York Museums Trust's event in July continued from the early hours of the evenings, and that residents such as himself were not notified of the holding of the event. He put it to the sub-committee that a restriction of 25db was not a reasonable level and was too high as it caused disruption and discomfort for a long period, he then noted that low-frequency sound waves, which could travel further than higher-frequency sound waves, were not accounted for in the data collected by noise measuring devices which only measured the immediate site, he stated that rigorous noise prevention measures should be in place in residential areas where there were children and elderly residents. Mr. Dickinson stated that Manchester City Council had pursued processes to implement lower level noise restrictions if events were to be held within residential areas, and urged that this be considered in York. He submitted that the event was only broadly compliant, and was therefore not wholly compliant with the conditions in place. He then stated that neuro-divergent people perceive noise differently, and that the noise regulations did not take this into account and should be more inclusive, and concluded that regarding the representation received by Councillor Mason seen in Annex 5 of the report, all members of the Sub-Committee should remain impartial.

In response to questions from the sub-committee, Mr. Dickinson stated that:

- He had attempted to complain to Environmental Protection, but they were not available during the timings of the events, and that he could not find contact details for the event organisers at the time.
- Low frequency sound waves were often not picked up by sound measuring devices, especially when further away from the source.
- He believed there was a Noise Council which could provide advice and supporting documents to Licensing Authorities.

- A limit of 65dB was too high of a threshold, and more mitigations should be put in place such as using directional speakers and using more sound limiting technologies.
 - He was not aware that the event would be taking place.
- 4) The representation made by a Responsible Authority. Michael Golightly, Public Protection Officer, CYC, commented on York Museums Trust's current licence and stated that they could hold live music events and that they had a noise management plan in place in relation to this. He confirmed that York Museums Trust was authorised to hold six of these events per year, and that a restriction of 65dB was applicable on three of these a year, and a restriction of 15 dB for the other three days. The Public Protection Officer then provided an explanation of how the background noise of the area's environment was used to determine permitted noise levels, and confirmed that although minor breaches of the licence conditions were found during the course of the event in July 2024 (noise exceeded conditions by 2dB), these were rectified by the third day of the event. He then mentioned that no complaints were received on both the first and third days of the event, and that it was calculated that a home and an open window would reduce the sound travelling through by 15dB, and so the sound experienced in residential properties nearby would be minimal. The Public Protection Officer concluded by confirming that the event was held in accordance with local and national guidance, and suggested to the sub-committee that the current licence conditions were enforceable and adequate.

In response to questions from the Applicant, the Public Protection Officer confirmed that:

- Tests concerning low frequency noise were concluded on the site of the event, but not on nearby areas.

In response to questions from the sub-committee, the Public Protection Officer confirmed that:

- Background noise for the environment was 45dB.
- Noise consultants were on site during the event in July 2024 and worked to resolve issues that arose.
- Controlling the level of noise outside was more complex than inside due to extra external sounds that could not be accounted for.
- The conditions applied to York Museums Trust's licence were similar to those imposed on York Racecourse and similar venues in York.
- Noise limiting devices would not work well outdoors, but sound barriers could be beneficial. Directional speakers and re-positioning of the stage could also ease noise disruption.
- The distance for mail distribution, as seen on page 26 of the Agenda Supplement - Additional Information provided by Premises Licence Holder, could be improved following experience.

- 5) The representation of Ms. Hazlewood on behalf of the Premises Licence Holder at the hearing. Ms. Hazlewood stated that the event of July 2024 was an inaugural event for York Museums Trust, and that Future Sounds and Electric Star Live, who worked on the event with them, had previous experience of working on historic sites. She noted that people in nearby areas were given ample time to comment on the event beforehand, and that time had been spent investigating background noise levels of the area of which the lowest recorded level was 44dB and the highest 61dB. She noted that there was no disorder during the events, there had been no representation from North Yorkshire Police, and that the event had been well operated. She then introduced Gareth Hance, Electric Star Live.

Mr. Hance stated that where issues had occurred, actions were taken quickly to resolve them, and that community engagement was positive throughout the event. He continued to demonstrate how the noise management plan considered the local context and background levels. He confirmed that any excessive noises during sound

checks were resolved before the start of the event, and only minimal breaches were experienced during the event, of which external, uncontrollable factors could have been an issue.

Ms. Hazlewood continued to indicate that they hadn't received any criticism from Public Protection or any other Responsible Authority, and that there had been little evidence demonstrated showing that noise levels had exceeded background levels (within allowances of 15dB). Ms. Hazlewood stated that the Applicant's residence was outside of the noise modelling used by York Museums Trust to gauge the spread of noise, but that background checks for the area had been checked and it was found that 45dB was the background noise level for the area, and that the event would have been within these limits, within a 15dB allowance. She then demonstrated legal definitions of 'public nuisance' and submitted that a class of persons must have been disrupted for the event to have been a public nuisance. Ms. Hazlewood concluded by stating that the stage that was used for the event was pre-built and installed, and that noise issues could be mitigated by building the stage on-site and positioning the stage at an alternate angle.

In response to questions from the Applicant, Ms. Hazlewood and Mr. Hance confirmed that:

- A scientific assessment was undertaken to determine how far noise would travel from the event, and that in future the leafletting area could be redesigned to incorporate more residents.

In response to questions from the sub-committee, Ms. Hazlewood, and Mr. Hance confirmed that:

- Contact details for the duration of the event were available online on the York Museums Trust website, on the email sent out to residents, and calls were received to York Museum Trust's control room which was co-occupied with North Yorkshire Police during the event.
- When hearing perception is accounted for, 65dBA was perceived as double 45dBA.

- Sound barriers would have some benefit to the premises in areas on ground level, but would be less effective above ground level.
- Westminster road and nearby areas were not covered within the sound plan as it was thought that noise would have dropped to a low enough level at this distance from the event's premises.
- Public Nuisance was defined in law and did not refer to consideration of protected characteristics.
- The wind could affect sound levels by around 10dB in extreme conditions.

The Applicant was then given the opportunity to sum-up. Mr. Dickinson stated that Westminster Road was far away from the city centre, and as such could not be compared to its' noise levels, and commented on the lack of recognition from the premises holder of lower frequency sound waves which could travel further, stating that the scope of sound monitoring was not far enough. He stated that Manchester City Council's policies demonstrated considerations for where an event was held within residential areas and that this had been overlooked in York. Mr. Dickinson concluded by stating that Autism and neurodivergence should be considered in the Licensing Authority's guidance.

The Public Protection Officer was then given the opportunity to sum-up and noted that the event in July 2024 was well planned and monitored and that breaches were resolved, and professionals were on-hand. He noted that not complaints had been received on the third night of the event, and the licence's conditions were achievable and appropriate.

In response to questions from the sub-committee, the Public Protection Officer stated that other events held by the Premises Licence Holder would be affected by amendments to this licence, and that communications could be improved for future events.

On behalf of the Premises Licence Holder, Ms. Hazlewood was given the opportunity to sum-up and stated that York Museums Trust had learnt from the event and that events had been held in the past without any issues. There was no evidence of antisocial behaviour or crime, and that no public nuisance had been caused by the event. She concluded by stating that breaches of licence conditions were minimal and that the event was well-run.

Having regard to the application and the relevant representations, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 52(4) that it considered necessary for the promotion of the licensing objectives. Taking into consideration the above evidence and submissions received, the Sub-Committee deliberated the different options available to them and agreed to reject the following options:

Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).

Option 2: To exclude a licensable activity from the scope of the licence.

Option 3: To remove the Designated Premises Supervisor.

Option 4: To suspend the licence for a period not exceeding three months.

Option 5: To revoke the licence.

The Sub-Committee's decision was to accept the following option:

Option 6: Take no action.

The Sub-Committee resolved to take no action in regard to the Premises Licence in accordance with Option 6.

Reasons

1. The Sub-Committee considered the representations and the evidence presented at the hearing. The Sub-Committee had regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy, more particularly those paragraphs relating to public nuisance and premises licence reviews.
2. The Sub-Committee considered the Applicants representation that the noise measures are insufficient, they are arbitrary values and they do not adequately take into account low level frequencies and the distance the noise travels. They noted that the applicant stated this had a detrimental impact on his household and more particularly it had a detrimental impact on neuro-divergent people.
3. The Sub-Committee considered the evidence provided by the Public Protection Officer relating to the monitoring of the sound levels during the 3 day event. The Sub-Committee noted that there were very minor breaches of the sound levels on the first and second day of the event and no breaches on the third day of the event. The Public Protection Officer confirmed that the very minor breaches were not audible to the human ear and were rectified promptly by the sound engineers. The Public Protection Officer confirmed that the breaches were of such a minor nature that no action would be taken in respect of the breaches. The Public Protection Officer confirmed that other than the very minor breaches the sound levels at the event complied with the conditions of the Premises Licence. He also noted that the conditions on sound levels are below the national guidance levels. The Public Protection Officer affirmed that the current conditions on the premises licence are robust, achievable and adequate to promote the licensing objectives. The Sub-Committee noted that the Public Protection Officer advised that the event was well planned, organised and well monitored. The Sub-Committee had regard to paragraph 9.12 of the S182 guidance which states that responsible authorities

are the expert in their field and therefore attached great weight to the submissions of the Public Protection Officer.

4. The Sub-Committee considered the Licence Holders representations and the evidence they presented in relation to the sound management. They noted that this was an inaugural event and were satisfied that the sound levels were very well monitored and managed throughout the event and in accordance with the sound management plan. The Sub-Committee noted that the low frequency sound was monitored and was below an actionable level. The Sub-Committee were reassured by the Licence Holders community engagement, their willingness to take learnings from the event and their willingness to consider making further improvements.
5. The Sub-Committee sympathised with the applicant and the impact that the low-level frequency had on his household. They found that whilst there was noise generated by the event, taking into account the evidence on the sound levels at the event provided by the Licence Holder and the Public Protection Officer and in consideration of the s182 Guidance and the Statement of Licensing Policy, the sound levels did not amount to a public nuisance and that the public nuisance licensing objective had not been undermined. The Sub-Committee considered that the current conditions on the Premises Licence are appropriate and proportionate to promote the licensing objectives and therefore resolved to take no action.
6. The Sub-Committee encouraged the Licence Holder to consider if any improvements could be made to the event by considering stage direction and communications.
7. The Sub-Committee also noted that they will recommend that the Licensing and Regulatory Committee consider policy relating to neurodiversity.

Cllr Ravilious, Chair

[The meeting started at 10.25 am and finished at 12.17 pm].



Licensing Act 2003 Sub Committee

24 October 2024

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Snazzy Brew, 1A High Petergate, York, YO1 7EN

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 078416
3. Name of applicant: Snazzy Brew Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a ground floor café.

Proposed Activity	Timings
Supply of Alcohol – on & off the premises	11:00 to 23:00 everyday
Opening Hours	11:00 to 23:00 everyday

Background

6. A copy of the application can be found at Annex 1, including a plan of the premises.
7. The premises is described in the application as a café spread over two floors, ground floor and basement.

8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

10. **General**

- CCTV
- Closing 23:00
- ID checks
- Limitation on consumption
- First Aid
- Limit on guests
- Mindful of noise

11. **The Prevention of Crime and Disorder**

- CCTV surveillance evidence
- Limit on how much consumption/purchase limit
- Proof of age
- Work with police

12. **Public Safety**

- First aid trained staff
- Fire risk assessment
- Hotlines for taxis
- Free drinking water
- Limit of alcohol consumption

13. **The Prevention of Public Nuisance**

- Volume limit
- Closing at 23:00
- Limited number of guests at one time
- No glass disposal between 23:00 and 07:00
- Alcohol limitation
- Quiet notice

14. The Protection of Children from Harm

- Age verification – ID checks
- Promotional material, avoid child appealing advertising

Special Policy Consideration

15. This premises is not located within the cumulative impact area.

Consultation

16. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition, the relevant ward councillors and/or parish council were notified by way of register.
17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police have made representation based on the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. Their representation can be found at Annex 3.

Summary of Representations made by Other Parties

20. There have been no relevant representations received from other persons.
19. A map showing the general area around the venue is attached at Annex 4.
20. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 5. The Legislation and Policy considerations can be found at Annex 6.

Options

21. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
22. Option 1: Grant the licence in the terms applied for.
23. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
24. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
25. Option 4: Refuse to specify a person on the licence as premises supervisor.
26. Option 5: Reject the application.

Analysis

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.
32. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

33. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

34. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications, the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

35. Implications

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

36. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
37. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

38. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 55 1515

**Report
Approved**



Date 27 September 2024

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers: None.

Annexes:

Annex 1 - Application and plan

Annex 2 - Overview of Circumstances in which Entertainment
Activities are not Licensable

Annex 3 - Representation from North Yorkshire Police

Annex 4 - Map of area

Annex 5 - Mandatory Conditions

Annex 6 - Legislation and Policy

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CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SNAZZY BREW
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance survey map reference or description
1A High Petergate
YORK
YO1 7EN

Telephone number of premises (if any)

Non-domestic rateable value of premises
£ 16,250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as:

- a) an individual or individuals*
b) a person other than an individual*
i. as a limited company/limited liability partnership
ii. as a partnership (other than limited liability)
iii. as an unincorporated association or
iv. other (for example a statutory corporation)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname First names

Date of Birth I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	SNAZZY BREW
Address	1A HIGH PETER GATE YO1 7EN YORK
Registered number (where applicable)	15383932
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

28 08 2024

Day	Month	Year
28	08	2024
28	08	2024
Day	Month	Year

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--	--	--	--	--	--	--

Please give a general description of the premises (please read guidance note 1)

1A HIGH PETER GATE IS SITUATED ON HIGH PETER-GATE, OPPOSITE FAT BADGER. THE PROPERTY HAS A TOTAL OF 1408 SQFT ON THE INTERIOR SPANNING OVER TWO FLOORS (GF, BASMENT) WITH THE BASMENT BEING USED FOR STORAGE. CURRENTLY CAFE AND IS CLASS E

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)	
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place Indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place Indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing					
			Will the entertainment take place Indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat								
Sun								

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input checked="" type="checkbox"/>
Tue	11:00	23:00			
Wed	11:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name
GEVISH KHEDDO

Address

Postcode

Personal licence number (if known)

CYC-078333

Issuing licensing authority (if known)

YORK CITY COUNCIL

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

~~AA~~ NoN

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:30	23:00	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)
Tue	08:30	23:00	
Wed	08:30	23:00	
Thur	08:30	23:00	
Fri	08:30	23:00	
Sat	08:30	23:00	
Sun	08:30	23:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

- | | |
|---|--|
| <ul style="list-style-type: none"> - CCTV - Closing 23:00 - ID CHECKS - LIMITATION ON CONSUMPTION | <ul style="list-style-type: none"> - FIRST AID - LIMIT ON GUESTS - MINDFUL OF NOISE |
|---|--|

b) The prevention of crime and disorder

- | |
|--|
| <ul style="list-style-type: none"> • DOOR SUPERVISION - DETERRENCE, CROWD CONTROL, CONFLICT RESOLUTION • CCTV - SURVEILLANCE, EVIDENCE • LIMIT ON HOW MUCH CONSUMPTION / PURCHASE LIMIT • PROOF OF AGE • WORK WITH POLICE |
|--|

c) Public safety

- | | |
|--|--|
| <ul style="list-style-type: none"> • DOOR STAFF - PREVENT DISORDLY CONDUCT, VIOLENCE AND UNAUTHORISED ENTRY • FIRST AID TRAINED STAFF • FIRE RISK ASSESSMENT • HOTLINES FOR TAXIS • FREE DRINKING WATER | <ul style="list-style-type: none"> • LIMIT ON ALCOHOL CONSUMPTION |
|--|--|

d) The prevention of public nuisance

- | |
|---|
| <ul style="list-style-type: none"> • VOLUME LIMIT • CLOSING TIME AT 23:00 • LIMITED NUMBER OF GUESTS AT ONETIME • NO GLASS DISPOSAL BETWEEN 23:00 AND 7AM • ALCOHOL LIMITATION • QUIET NOTICE |
|---|

e) The protection of children from harm

- | |
|---|
| <p>AGE VERIFICATION - ID CHECKS</p> <p>PROMOTIONAL MATERIAL - AVOID CHILD FRIENDLY APPEALING ADVERTISING</p> <p>PROMOTIONAL MATERIAL - AVOID CHILD FRIENDLY APPEALING ADVERTISING</p> |
|---|

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick to indicate agreement

[Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships]

- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15) • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	26/06/2024
Capacity	25 Company director

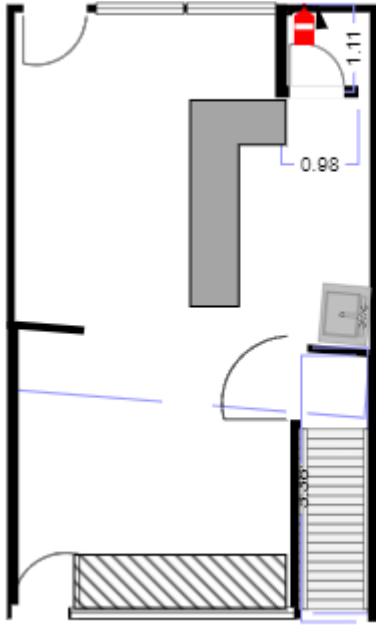
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	

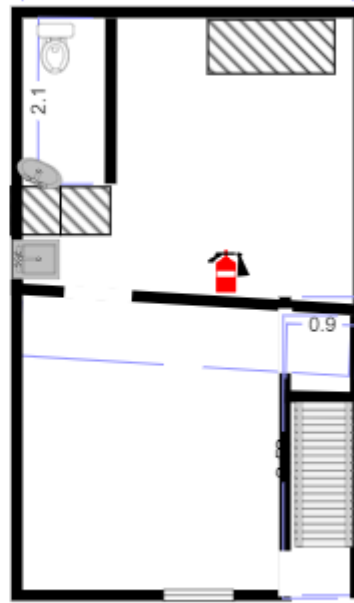
Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
GEVISH KHEDDO T	
Post town	Post code
YORK	
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.



Ground floor



Lower Ground floor

Scale 1:100

(Whole premises to be licenced)

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Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the

screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises: 1A High Petergate	
Post town: York	Post code (if known): YO1 7EN

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input checked="" type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input checked="" type="checkbox"/>

GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:
(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to a new premises licence for a café, Snazzy Brew in York City Centre, for licensable activities of supply of alcohol as follows: -

Mon - Sun 1100-2300

North Yorkshire Police have considered the application and what has been offered by the applicant in the operating schedule at Section M alongside the section 182 statutory guidance at Para 1.16 which states that "licence conditions must be appropriate for the promotion of the licensing objectives; must be precise and enforceable; must be tailored to the individual type, location and characteristics of the premises and events concerned:".

Taking both into account on 18th September 2024 police licensing officer PC Kim Hollis has emailed the applicant Mr Kheddo and proposed thirteen conditions to mitigate the risks associated with licensable activities and to promote the licensing objectives.

The conditions suggested are as follows: -

- 1.A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.
It will be maintained, working and recording at all times when the premises are open.
The recordings should be of good evidential quality to be produced in Court or other such hearing.
Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection

requirements.

Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.

Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority. Subject to Data Protection requirements.

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the: -

Retail sale of alcohol

Age verification policy

Conditions attached to the Premises Licence

Permitted Licensable activities

The Licensing objectives and

The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

This training shall be refreshed every 12 months as a minimum.

3. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one-year period relates to each respective entry in the logbook and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

4. The venue shall operate wholly as a café style operation. For the purpose of clarity, a "café style" would be defined as a small restaurant serving light refreshments and meals. Food and light refreshment shall be available at all times the premises is open and operating for licensable activities.

5. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.

When employed, a register of those door supervisors employed shall be maintained at the premises and shall include:

- a. the number of door staff on duty;
- b. the SIA badge number and name of each member of door staff;
- c. the times the door staff are on duty.
- d. Any incidents

6. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

7. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly

8. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

9. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card,

or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

10. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

11. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

12. The outside area will be regularly cleared and kept tidy.

13. All off sales of alcohol shall be in sealed containers.

The applicant has responded to PC Hollis on Saturday 21st September 2024 and due to the officer being on a period of annual leave PS Booth has further communicated with the applicant.

Email exchanges have taken place in relation to the proposed conditions and I produce this as Appendix 1 for members of the committee to view.

The applicant has sought to request adjustments to the conditions regarding "off-sales" and has stated the following: -
"I would like to revisit the condition that restricts off-sales to sealed containers only. As a responsible business, we are fully committed to ensuring that our customers adhere to the licensing objectives. We believe that with clear signage and a firm commitment to responsible service, we can allow customers to purchase open containers for consumption in nearby social settings without compromising public safety".

The applicant has not applied for an outside area so in effect they are wanting to sell alcohol in open containers for patrons to consume on the public highway in the vicinity.

North Yorkshire Police would not support the sale of alcohol in open vessels, as this would undermine the licensing objectives.

There have been the following incidents reported to the police since April 2024, linked with the premises: -

30/08/24 - Issues with beggars/abuse outside café- Police Incident NYP-30082024-0407

08/07/24- Criminal Damage to A Board belonging to premises – Police Incident NYP-08072024-0180

04/07/24 - Theft of sign – Police Incident NYP-04072024-0153

26/06/24 - Issues with persons inside causing disruptive behaviour to customers -Police Incident NYP-26062024-0308

27/05/24 - Abuse to staff in premises – Police Incident NYP-27052024-0396

28/04/24 - Verbal abuse to staff- Police Incident 12240074286

The incidents reported show that there is crime and anti-social behaviour in the vicinity and at the premises and it is imperative to seek proportionate conditions if alcohol is to be introduced as a licensable activity at the location to mitigate risks associated with crime and disorder.

The statutory guidance at para 9.12 states the following: -

"Each responsible authority will be an expert in their respective field, and in some cases, it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective."

If members are minded to grant a premises licence for Snazzy Brew then the police would respectfully request that all conditions proposed above are included in the authorisation. If the applicant is not amenable to the conditions, then the police deem that this would undermine the licensing objectives, namely the prevention of crime and disorder and would

ask that the application is refused.

Signature: J Booth

Date: 24/09/2024

Contact name: PS 133 Jackie Booth

Address for correspondence: **Alcohol Licensing Department Fulford Road Police Station**

Post town: **York**

Post code: **YO10 4BY**

Tel. number (if any): **01609 643273**

Email address if preferred option of contact: **NYPLicensing@northyorkshire.pnn.police.uk**

APPENDIX ONE

From: Gevish Kheddo
Sent: Tuesday, September 24, 2024 11:27 AM
To: Booth, Jackie <@northyorkshire.police.uk>
Subject: Re: Snazzy Brew 1a High Petergate - Licence Application

Dear Jackie,
Thank you for your response and for providing clarity on the matter.
While I was hopeful we could find some middle ground, I appreciate the time you've taken to review our proposals. I understand that the representation will be submitted, and I will review it once received.
Thank you again for your assistance.
Kind regards,
Gevish Kheddo
Snazzy Brew

From: Booth, Jackie <@northyorkshire.police.uk>
Sent: Tuesday, September 24, 2024 11:11 AM
To: Gevish Kheddo <@look.com>; NYP Licensing
<NYPLicensing@northyorkshire.police.uk>
Subject: RE: Snazzy Brew 1a High Petergate - Licence Application

Dear Mr Kheddo

I have made the position of North Yorkshire Police clear and the conditions proposed are appropriate and proportionate. The police cannot agree to open containers.

I will be submitting a representation to the licensing authority today on this matter today a copy of which you will receive in due course.

Kind Regards

Jackie

PS133 Booth
Force Licensing Manager
Local Policing Support
Tel 101 Ext 30133
Mobile:
Email:-

Please note my working days are Mon/Tues 0700x1700 & Wed/Thur 1200x2200

Committed to the Code of Ethics

From: Gevish Kheddo <@northyorkshire.police.uk>
Sent: Tuesday, September 24, 2024 10:59 AM

To: [REDACTED] <[REDACTED]>
Subject: Re: Snazzy Brew 1a High Petergate - Licence Application

Dear Jackie,

Thank you for your response and for clarifying the conditions regarding off-sales. I understand the concerns around street drinking, particularly in relation to High Petergate. However, given that no premises on this street are able to obtain a pavement café license due to the narrow layout, this significantly limits our ability to create a welcoming atmosphere for customers who enjoy premium drinks at Snazzy Brew. I would like to revisit the condition that restricts off-sales to sealed containers only. As a responsible business, we are fully committed to ensuring that our customers adhere to the licensing objectives. We believe that with clear signage and a firm commitment to responsible service, we can allow customers to purchase open containers for consumption in nearby social settings without compromising public safety. Given the uniqueness of our offering and the character of the area, I kindly request further consideration on this matter. We are open to discussing any additional safeguards or conditions that would allow us to proceed with offering open containers while maintaining alignment with the licensing objectives. I appreciate your time and consideration and look forward to discussing this further.

Kind regards,
Gevish Kheddo
Snazzy Brew

From: Booth, Jackie <[REDACTED]@northyorkshire.police.uk>
Sent: Tuesday, September 24, 2024 10:50 AM
To: Gevish Kheddo <[REDACTED]>; Hollis, Kimberley <[REDACTED]@northyorkshire.police.uk>; NYP Licensing <NYPLicensing@northyorkshire.police.uk>
Subject: RE: Snazzy Brew 1a High Petergate - Licence Application

Good Morning Mr Kheddo,

Thank you for your reply.

In relation to your query regarding off-sales, in your application you have applied for both on and off sales from the premises and the conditions put forward by North Yorkshire Police are to mitigate the risk of street drinking in and around the premises.

10. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers. (This condition is to prevent persons leaving the premises with open vessels of alcohol and drinking in the street which would undermine the licensing objectives. As previously referenced there is no application for an outdoor area or pavement café licence at your premises).

13. All off sales of alcohol shall be in sealed containers. (This condition allows customers to purchase products unopened and take away from your premises).

The position of the police remains the same that we would seek the original 13 conditions proposed by PC Hollis in respect of this licence application.

Should you wish to discuss further I am available on my mobile listed below.

Kind Regards

Jackie

PS133 Booth
Force Licensing Manager
Local Policing Support
Tel 101 Ext 30133
Mobile:
Email:-

Please note my working days are Mon/Tues 0700x1700 & Wed/Thur 1200x2200

Committed to the Code of Ethics

From: Gevish Kheddo <
Sent: Tuesday, September 24, 2024 10:17 AM
To: Booth, Jackie <
<
<NYPLicensing@northyorkshire.police.uk>
Subject: Re: Snazzy Brew 1a High Petergate - Licence Application

Dear Jackie,
Thank you for your response and the clarifications provided.
I would like to revisit the point regarding off-sales, specifically in relation to the conditions around containers. We often serve premium drinks that our customers enjoy both at the premises and while socializing nearby. I believe there may be some flexibility in how we manage this aspect and would appreciate further discussion on whether certain adjustments might be feasible to accommodate our customer needs while still maintaining the necessary standards.
I look forward to your thoughts.
Kind regards,
Gevish Kheddo
Snazzy Brew

From: Booth, Jackie <
Sent: Monday, September 23, 2024 5:56 PM
To: Gevish Kheddo <
<
<NYPLicensing@northyorkshire.police.uk>
Subject: RE: Snazzy Brew 1a High Petergate - Licence Application

Dear Mr Kheddo,

Thank you for your response to PC Kim Hollis's email.

By way of introduction I am the force licensing manager for North Yorkshire Police and as PC Kim Hollis is currently on leave, I am now dealing with your application and will be providing a response to the licensing authority.

In relation to the conditions that PC Hollis has proposed, they are appropriate and proportionate for the promotion of the licensing objectives to mitigate risk in relation to a premises that is wishing to operate until 2300hrs in York city centre.

I have considered what you have offered and provide a response to each of your points below.

1. CCTV- the conditions in respect of CCTV do allow for a copy of the recording to be made available within 48hrs. However it is important that when the premises is open for licensable activities there is a trained member of staff available to provide immediate access for incidents which police may need to view CCTV at the time of attendance prior to taking further action, for eg effecting an arrest. I am not aware from other licensed premises in the vicinity of any issues with internet connection.
2. Staff training, the police do not deem that retraining every two years is acceptable this should be done annually. Frequent training sessions show due diligence from an employer and reduce the risk of staff not understanding their obligations particularly in respect of the premise licence conditions, sale of alcohol and promotion of the licensing objectives.
3. The incident and refusal log must contain details of all ASB incidents (I am aware that the premises has already reported incidents to North Yorkshire Police this year) and I would expect full details of those incidents to be recorded in an incident book alongside all refusals regarding the sale of alcohol and ejection from the premises.
4. Café style operation means that the premises must provide a food offering at all times that the premises is open (this is to ensure the premises does not become a vertical drinking establishment). Customers do not have to have food with alcohol but must be able to access a food offering.
6. Sale of alcohol ceasing 30 minutes before closing time is consistent with York's Statement of Licensing Policy.

10 & 13 I cannot see as part of your application that you have applied for an outdoor area on your plan provided or have a pavement café licence so these conditions are consistent with what you have put in your application.

7 & 12 – “ we will try put clear signage up”- If a condition is agreed or issued as part of a premises licence it is a legal requirement to comply with that condition failure to do so is a criminal offence under Section 136 of the Licensing Act for which you could be liable to prosecution. As such trying to comply is not acceptable it must be complied with if you are in agreement.

I am happy to discuss what I have highlighted above to you if you need some further clarity however I am not able to accept your suggested adjustments.

The position of North Yorkshire Police will be to submit an objection to this application, unless agreement to the original conditions sent by PC Hollis can be reached.

If you are amenable to accepting the full conditions then please respond by 5pm on Tuesday 24th September 2024.

I look forward to hearing from you.

Kind Regards

Jackie

PS133 Booth
Force Licensing Manager
Local Policing Support
Tel 101 Ext 30133
Mobile:
Email:-

Please note my working days are Mon/Tues 0700x1700 & Wed/Thur 1200x2200

Committed to the Code of Ethics

From: Gevish Kheddo <gevish.kheddo@northyorkshire.police.uk>
Sent: Saturday, September 21, 2024 5:25 PM
To: Hollis, Kimberley <kimberley.hollis@northyorkshire.police.uk>; NYP Licensing <NYPLicensing@northyorkshire.police.uk>
Cc: Booth, Jackie <jackie.booth@northyorkshire.police.uk>
Subject: Re: Snazzy Brew 1a High Petergate - Licence Application

Dear Kim Hollis,

Thank you for your review of the premises license application for Snazzy Brew at 1A High Petergate. I appreciate your recommendations and the opportunity to ensure our operations align with the Licensing Act 2003 and the local licensing objectives.

After careful consideration, I would like to propose a few adjustments and seek clarification on certain points:

1. CCTV System

While we are committed to ensuring a functional CCTV system, I would like to highlight that the requirement for instant access and download of footage is not feasible for us as a small café. With only 1-2 staff members working at any given time, fulfilling such a request would mean halting operations entirely, which would severely impact our ability to serve customers. Additionally, the internet connection in the area near the Minster is notoriously slow, which could further delay any downloads. I propose allowing us up to 24-48 hours to provide the necessary footage, handled by the manager or designated staff member, ensuring minimal disruption to the business while still meeting safety requirements.

2. Staff Training

I recognize the importance of staff training, but I would like to extend the refresher training period from annually to once every two years. This ensures staff remain informed while reducing the administrative workload of managing frequent training sessions and record-keeping. All training documentation will be available upon request.

3. Refusals and Incident Register

We propose to limit the incident log to significant events, such as refusals of service due to intoxication or serious anti-social behavior. This will focus on documenting important incidents without overwhelming staff with excessive paperwork for minor occurrences.

4. Café-Style Operation

This point seems a bit unclear, and I would appreciate further clarification. Could you specify what exactly constitutes a "café style operation" in this context? Specifically, does this condition require us to serve full meals at all times, or can we offer lighter refreshments during quieter hours or lower demand periods? Understanding the flexibility allowed here will help us balance our food offering with customer needs while still complying with the spirit of this requirement.

6. Sale of Alcohol Ceasing 30 Minutes Before Closing

I would like to propose reducing the "drinking-up" time to 10 minutes before closing instead of 30. This adjustment will still allow for an orderly wind-down of service while maximizing our operating hours.

10 & 13. Off-Sales in Sealed Containers

We understand and appreciate the reasoning behind the requirement for sealed containers with off-sales, particularly in relation to preventing anti-social behavior. However, many of our customers purchase premium wines and craft beers to enjoy responsibly in outdoor settings or while socializing. We take pride in fostering a respectful and responsible drinking culture and are happy to implement clear signage reminding customers to be considerate of public spaces. This approach allows us to enhance the customer experience while still supporting the principles of public safety.

7 & 12. Notices for Patron Behavior and Outside Maintenance

We are committed to maintaining the outside area and promoting responsible behavior by patrons. We will try put clear signage in display and that the area outside the premises remains clean and tidy at all times.

I hope these adjustments strike a balance between maintaining the licensing objectives and allowing us to operate Snazzy Brew efficiently. I look forward to your feedback and would be happy to discuss these points further.

Thank you again for your time and consideration.

Kind regards,
Gevish Kheddo
Snazzy Brew

From: Hollis, Kimberley <kimberley.hollis@northyorkshire.police.uk>
Sent: Thursday, September 19, 2024 2:14 PM
To: (< >
Cc: Booth, Jackie <jackie.booth@northyorkshire.police.uk>
Subject: FW: Snazzy Brew 1a High Petergate - Licence Application

Good Afternoon Mr Kheddo,

I am following up from my email below as I am going on to annual leave. I have tried calling and left a voicemail.

Please could I ask for you to consider the below soonest and come back to myself and Sgt Jackie Booth to advise if this is acceptable to you for the application. This agreement needs to be made before the end date for the application of the **25/09**, if no agreement can be made North Yorkshire Police would object to the application and submit a representation to ask for the conditions below.

I look forward to hearing from you.

Kind Regards,
Kim

PC 1671 Kim HOLLIS
Alcohol Licensing Officer (York)
North Yorkshire Police
Mobile (
Tel: 101

'Committed to the Code of Ethics'



**I Support the
Hidden Disabilities
Sunflower Scheme**

From: Hollis, Kimberley
Sent: 18 September 2024 11:20
To:
Subject: Snazzy Brew 1a High Petergate - Licence Application
Importance: High

Good Afternoon Mr Kheddo,

My name is Kim Hollis I am the Police Licensing officer for York and I have been reviewing the application for a premises licence for 1a High Petergate, Snazzy Brew.

As part of my role I review all licence applications and risk assess these in line with the Licensing Act 2003, licensing objectives and the statement of licensing policy for York.

I have looked through the application and in order to mitigate risk associated with licensable activities I would like to make the follow recommendations for conditions to be attached the premises licence.

Suggested conditions:

1.A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol. It will be maintained, working and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements. Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements. Copies of the recordings will display the correct time and date of the recording. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority. Subject to Data Protection requirements.

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

Retail sale of alcohol

Age verification policy

Conditions attached to the Premises Licence

Permitted Licensable activities

The Licensing objectives and

The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

This training shall be refreshed every 12 months as a minimum.

3. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

4. The venue shall operate wholly as a café style operation. For the purpose of clarity a "café style" would be defined as a small restaurant serving light refreshments and meals. Food and light refreshment shall be available at all times the premises is open and operating for licensable activities.

5. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.

When employed, a register of those door supervisors employed shall be maintained at the premises and shall include:

- a. the number of door staff on duty;
- b. the SIA badge number and name of each member of door staff;
- c. the times the door staff are on duty.
- d. Any incidents

6. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

7. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly

8. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

9. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

10. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

11. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

12. The outside area will be regularly cleared and kept tidy.

13. All off sales of alcohol shall be in sealed containers.

Please can you look through the conditions and advise if you are happy to agree to these being added to the licence. I can confirm that, if agreed, North Yorkshire Police would have no objection to the application. If you have any questions or wish to discuss further please contact me on email or the mobile number below.

Could I ask that you send an initial response by 1200 noon 19th September.

Kind Regards,
Kim

PC 1671 Kim HOLLIS
Alcohol Licensing Officer (York)
North Yorkshire Police
Mobile (
Tel: 101

'Committed to the Code of Ethics'

Annex 4 Map of area



Date: 24 Sep 2024

Author: City of York Council

Scale: 1:1,250



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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003****MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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