

THE LICENSING ACT 2003 SUB-COMMITTEE HEARING
HELD ON THURSDAY, 8 AUGUST 2024

Notice of Decision

6. **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)**

Hearing reconvened in private session at 10:49 hours on 8 August 2024.

PRESENT: Councillors Knight (Chair), Baxter, and Nicholls

The Sub-Committee resolved to grant 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.

Full reasons for the Sub-Committee's decision will be included in the detailed Decision Letter which will be provided to the Applicant and the Representor in due course.

There is a right of appeal for the Applicant and the Representor to the Magistrates' Court against this decision. Any appeal to the Magistrates Court must be made within 21 days of receipt of the Decision Letter and sent to the following address:

Chief Executive
York and Selby Magistrates Court
The Law Courts
Clifford Street
York
YO1 9RE