

Notice of a public meeting of

Licensing/Gambling Hearing

To: Councillors Melly, Hook, and Rose

Date: Thursday, 14 August 2025

Time: 10.00 am

Venue: West Offices, York

AGENDA

- 1. Chair**
To elect a Member to act as Chair of the meeting.
- 2. Apologies for Absence**
To receive and note apologies for absence.
- 3. Introductions**
- 4. Declarations of Interest** (Pages 13 - 14)
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].

5. 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.

6. Minutes

(Pages 15 - 22)

To approve and sign the minutes of the Licensing Hearing held on 26 June 2025.

7. The Determination of an Application by J & P Monkton Road Ltd. for Determination of an Application for Premises Licence [Section 18(3)(a)] in respect of 3 Intake Avenue, York, YO30 6HB (CYC-081512)

(Pages 23 - 68)

Democratic Services Officer:

Name: Angela Bielby

Contact Details:

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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

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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	26 June 2025
Present	Councillors Cuthbertson (Vice-Chair), Hook and Nicholls
Officers in attendance	Helen Sefton – Senior Licensing Officer Sandra Branigan – Senior Lawyer Lucy Waller – Lawyer

1. Chair (11:06am)

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

2. Apologies for Absence (11:07am)

There were no apologies.

3. Introductions (11:06am)

Introductions were made.

4. Declarations of Interest (11:08am)

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.

5. Exclusion of Press and Public (11:08am)

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.

6. Minutes (11:09am)

Resolved: That the minutes from the Licensing Hearing held on 6 May 2025 be signed and approved as an accurate record.

7. The Determination of an Application by Punch Taverns Limited for Variation of a Premises Licence [Section 35 (3)(a)] in respect of The Marcia Grey, 24 Front Street, Acomb, York, YO24 3BZ (CYC-009010) (11:09am)

In considering the application and the representations made, the Sub-Committee concluded that the following licensing hearing objective was relevant to the Hearing:

1. The Prevention of Public Nuisance

In coming to its 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 written information received from the Applicant as seen in the agenda and further information received from two representors as shared with all parties prior to the hearing.
3. The Senior Licensing Officer's report and her comments at the Hearing.

The Senior Licensing Officer outlined the report and annexes and noted that the premises had held a licence since 2005. There was a desire to vary the licence upon the development of a rear storage area/kitchen into a pool and darts room which would increase the licensable area. The application stated that

there would be no change to the hours of operation or licensable activities offered.

The Senior Licensing Officer drew attention to the application and plans for the new development in Annex 1 of the agenda, and to the current premises licence and plans in Annex 2 of the agenda.

The Senior Licensing Officer confirmed that the premises was not located within the Cumulative Impact Area (CIA), consultation had been carried out correctly, and the Licensing Manager directed members to the representations made by three local residents at Annex 5, the additional information provided by the Applicant as seen within the agenda, and additional information provided by two representors, as shared with all parties prior to the hearing. She then advised the Sub-Committee of the options open to them in determining the application.

In response to questions from members, the Senior Licensing Officer confirmed that three complaints had been received regarding the premises in the past 12 months, and that these had all subsequently been closed.

4. The Applicant's representation at the hearing

Piers Warne, on behalf of the Punch Taverns Limited (the Applicant), presented their case.

Graeme Robinson, a consultant for the applicant on this scheme was also present to assist Mr Warne in responding to questions from members.

Mr Warne stated that this represented a significant investment in the pub of £120,000. He noted that there were no complaints from responsible authorities and that concerns which had been raised had already been closed off; these had comprised two complaints regarding the outside speakers mentioned by the representors, and an anonymous letter of complaint to licensing officers, which could not be followed up or corroborated, and as such was disregarded.

He separated the issues that did not fall under the Licensing Objectives and he noted the difference in law between "public

nuisance” and “private nuisance” in relation to the adjoining house, and the applicant did not anticipate further nuisance due to the mitigations installed, including insulation and sound proofing, as well as the additional conditions that had been offered.

Mr Warne acknowledged that the main concerns of residents evidenced in the submitted representations was the wall issue and the blocking of access from deliveries, and that noise complaints appeared to be of secondary concern. Nevertheless, the DPS was engaging with residents and sending out follow up letters.

Mr Warne responded to comments made within representations in the agenda from one of the representors regarding deliveries via the roller shutter impacting access on Bowling Lane, explaining that the area discussed had not been used since 18 months prior to the applicant taking on the premises, and it was not a viable cellar. Deliveries were now made with a van parked on the main road. If this were to cause any access issues, or in the event of an emergency, draymen would be present to assist in moving the van. He noted that the Designated Premises Supervisor (DPS) was also actively engaging with residents.

In response to a question about kitchen use, Mr Robinson advised that the pub kitchen had never been used during the period that the Applicant had held the licence or (to the best of his knowledge) during the tenure of the prior licence holder.

In response to a question about live music/karaoke and potential noise complaints, Mr Warne advised that this had not been a licensing issue or an issue where complaints had historically arisen, and that reasonable measures had been taken to mitigate additional noise disturbance to local residents.

Responding to the question of whether Close Circuit Television cameras (CCTV) would be installed in the proposed new licensable area; Mr Robinson advised that the Applicant would be pro-actively installing CCTV cameras with a 30-day timer in the new room.

Mr Warne, on behalf of the Applicant, was then given the opportunity to sum-up and he drew members and officers’ attention to paragraphs 2.1 and 9.12 of the current statutory guidance under section 182 of the Licensing Act 2003; noting

the fact there was no evidence that police and Responsible Authorities had raised any concerns.

5. The representations of local residents at the hearing.

It was noted that no representors were in attendance at the hearing.

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 it and agreed to reject the following options:

Option 1: Modify the conditions of the licence; and for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition is added. This option was approved.

Option 2: Reject the whole or part of the application. This option was rejected.

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

Option 1: Modify the conditions of the licence; and for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition is added.

In approving **Option 1**, the Sub-Committee resolved to modify the premises licence to amend the plans attached to the current licence to increase the licensable area as applied for and to also add three additional conditions as below.

Licensable Activity	Existing	Variation requested
Recorded Music - indoors	10:00 until 00:00 Everyday	No Change
Supply of Alcohol – on & off the premises	10:00 until 00:30 Everyday	No Change
Opening hours	10:00 until 01:00 Everyday	No Change

Additional conditions:

1. Speakers outside shall be used for background music only and will be turned off at 21:00 Sunday to Thursday and 22:00 Friday and Saturday.
2. The DPS/Manager shall develop and implement a dispersal policy to ensure that customers exit the premises quickly and quietly. The dispersal policy will be made available to the police and licensing authority on request.
3. A complaints book shall be maintained at the premises and any complaints by residents shall be logged therein, including date, time, reason for the complaint and outcome/ action taken.

Reasons For the Decision:

The Sub-Committee noted that they are bound to have regard to the appropriate legislation, Guidance and to the Council's own Statement of Licensing Policy.

This application is for the variation of an already established premises licence and seeks only to amend the plans attached to the current licence to increase the licensable area with the creation of a pool/darts room. The variation seeks no change to the hours, operation or licensable activities offered. The Sub-Committee accordingly noted that as the premises already had a licence to sell alcohol, it was only the impact on the Licensing Objectives of the proposed variations to the existing premises licence which could be considered and the determination could not reduce what is already licensed. The Sub-Committee also noted that consumption of alcohol and playing pool or darts are not licensable activities. They also noted that the playing of amplified live and recorded music until 11pm at the premises

constitutes a non-licensable activity due to an exemption under the Live Music Act 2012. However, other noise legislation in the Environmental Protection Act 1990 continues to apply.

The Sub-Committee carefully considered all representations and evidence received both in favour of and in objection to the application. The objectors raised concerns regarding existing noise levels and that this may increase if the variation were approved. Further concerns were also raised regarding access to neighbouring properties whilst deliveries were being made to the premises.

The Sub-Committee also considered the representations made by the Applicant in response to the concerns raised, including the three additional conditions offered by the Applicant. It was noted that no objections had been received from the Responsible Authorities.

Based on all of the evidence presented to it, the Sub-Committee did not find any evidence to justify a refusal of the variation application. The Sub-Committee felt that any further conditions in addition to those offered by the Applicant would not be necessary in order to promote the Licensing Objectives on the basis of the evidence before it.

Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the variation was granted in accordance with the application that any of the Licensing Objectives would be undermined. Further, whilst acknowledging residents' concerns, the Sub-Committee is limited to dealing with the variation application in accordance with the Licensing Objectives. Additionally, the Sub-Committee felt that some issues raised in objection to the application, such as delivery and access issues, were not directly relevant to the variation application.

The Sub-Committee noted that if evidence of noise nuisance arose from the use of the premises for the licensable activities in future then it was open to any person (including Responsible Authorities and residents) to request a review of the licence under the provisions of the Licensing Act 2003 where there is evidence that one or more of the Licensing Objectives are being undermined. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage and the exemption that allows the playing of amplified live

and recorded music until 11pm can be removed, where the evidence supports it.

Cllr Cuthbertson, Chair

[The meeting started at 11.06 am and finished at 11.38 am].



Licensing Act 2003 Sub Committee

14 August 2025

Report from the Director – Environment and Regulatory Services

Section 18(3) (a) Application for a premises licence for 3 Intake Avenue, Clifton, York, YO30 6HB**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 081512
3. Name of applicant: J & P Monkton Road Limited
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 grocery/convenience store.

Proposed Activity	Timings
Supply of Alcohol (off the premises)	06:00 to 23:00
Opening hours	06:00 to 23:00

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.
7. The premises is described in the application as grocery/convenience store offering a wide range of products and services including; soft drinks, crisps, snacks, confectionary, sandwiches, coffee, hot food (pasties and slices), alcohol for consumption off the premises, lottery tickets and utility bill payment services.

Promotion of Licensing Objectives

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

9. General

- a. Staff Training: Ongoing training on licensing rules, underage sales, disorder, and child safety. Training records maintained.
- b. Challenge 25: Strict ID checks for anyone under 25. Clear signage and trained staff to enforce policy.
- c. DPS & Operations: Updated Operating Schedule. DPS actively manages alcohol sales and receives regular training.
- d. Security: CCTV covering key areas with secure footage storage. Roller shutters for added protection.
- e. Compliance & Policies: Follow laws and procedures on underage sales, disorder, and safeguarding. Liaise with authorities.
- f. Ongoing Review: Regularly update policies, training, and conduct internal checks for compliance.

10. The Prevention of Crime and Disorder

- a. CCTV: Install a CCTV system covering entrances, exits, and key areas. Footage will be securely stored and retained per legal requirements.
- b. Door Policy: Enforce a strict door-close policy, especially at night, using a Night Service Window to control access. Clearly communicate this to staff and customers via signage and reminders.
- c. Licensing Hours Display: Clearly display up-to-date licensed hours where visible to customers.
- d. Crime Prevention Notices: Post visible warnings about potential crimes such as theft.

- e. Alcohol Refusal Policy: Do not serve alcohol to intoxicated customers. Train staff to recognise and act on signs of intoxication. Illegal Substances: Maintain vigilance to deter illegal drug use and cooperate with authorities on any incidents.
- f. Staff Training: Provide ongoing training in customer behaviour management to ensure a safe and respectful environment.

11. Public Safety

- a. Lighting: Ensure sufficient internal and external lighting to enhance visibility and deter crime. Regularly inspect and maintain all fixtures.
- b. Staff Training & Compliance: Provide comprehensive and refresher training on public safety, hygiene, and environmental health regulations. Ensure staff follow all safety procedures.
- c. Underage ID Checks: Enforce a strict ID policy for anyone appearing under 25. Train staff to verify acceptable IDs and identify fakes.
- d. Logbook/Recording System: Maintain a detailed log (physical or digital) to record inspections and safety checks. Keep it up to date and available for authorised inspection under the Licensing Act 2003.
- e. Premises Maintenance: Regularly inspect all areas and installations (e.g. doors, lighting, electricals, HVAC) for safety and function. Document all maintenance and repairs.
- f. Emergency Preparedness: Maintain an up-to-date emergency plan. Train staff in emergency response and conduct regular drills.
- g. Health & Safety Audits: Conduct regular audits to identify hazards and ensure compliance with health, hygiene, and occupational safety standards. Record and act on findings.

12. The Prevention of Public Nuisance

- a. To minimise noise and disturbance to nearby residents, the following measures will be implemented:
- b. Notices: Clear, visible displayed to remind customers to respect neighbours and keep noise to a minimum.
- c. Deliveries: All deliveries will be scheduled during appropriate hours, avoiding night-time operations. Delivery staff will be instructed to work quietly and efficiently.
- d. Customer Behaviour: Staff will politely discourage customers from gathering or speaking loudly outside, especially at night. Signage will also support this message.

- e. Lighting: Lighting will be positioned and screened to avoid glare and light spillage, using directional fixtures to reduce disturbance to neighbours.
- f. Waste Management: Sufficient waste bins will be provided and regularly emptied to prevent overflow and noise from disposal activities.

13. The Protection of Children from Harm

- a. To protect children from harm, the following measures will be in place:
- b. Challenge 25 Policy: Clear signage will be displayed at the entrance and near alcohol displays. Staff will request valid ID (e.g., PASS card, driving licence, or passport) from anyone who appears under 25. All staff will be trained on the policy and ID-checking procedures.
- c. Staff Training: All staff will receive training on the legal requirements for selling age-restricted products, how to check ID, and how to respond when ID is missing or invalid. A Training Record Book will be maintained for reference and compliance.
- d. Logbook: A log book or digital system will record age-check incidents and actions taken, available for inspection under the Licensing Act 2003.
- e. Compliance Checks: Regular checks will be carried out to ensure policy adherence. Log entries will be reviewed to identify training needs and address issues promptly to prevent underage sales.

Special Policy Consideration

- 14. This premises is not located within the cumulative impact area.

Consultation

- 15. 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.

16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

17. North Yorkshire Police made representation on the objective of the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule with the addition of proposed conditions to be added to the licence if granted. The agreed conditions can be found at Annex 2. Therefore, North Yorkshire Police have withdrawn their representation.

Summary of Representations made by Other Parties

18. There have been 2 relevant representations received from other persons. The list of representors is attached at Annex 3.
19. The representations are predominantly based on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm objectives. They state that these objectives will be undermined if the application is granted.
20. A copy of all the representations are attached at Annex 4.
21. A map showing the general area around the venue is attached at Annex 5.
22. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 6. The Legislation and Policy considerations can be found at Annex 7.

Options

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

28. Option 5: Reject the application.

Analysis

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

Council Plan

35. 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.
36. 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.

Implications

37.

- **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

38. 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.
39. 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

40. 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:

Dave Atkinson
Director of Environment and Regulatory Services

Tel No. 01904 551515

Report
Approved



18 July 2025

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Clifton Ward

For further information please contact the author of the report

Background Papers:

Annex 1 - Application form and plan

Annex 2 - Conditions agreed with North Yorkshire Police

Annex 3 - List of representors (**Confidential**)

Annex 4 - Representations

Annex 5 - Map of area

Annex 6 - Mandatory conditions

Annex 7 - Legislation & Policy



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 J & P MONKTON ROAD LIMITED
 (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	
3 INTAKE AVENUE, CLIFTON	
Post town YORK	Post code YO30 6HB

Telephone number of premises (if any)

Non-domestic rateable value of premises

£	8,700
---	-------

Part 2 – Applicant Details

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

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |

- 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
 - statutory function or ☐
 - 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

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).

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	J & P MONKTON ROAD LIMITED
Address	3 MEADOW BECK CLOSE YORK YO10 3SJ
Registered number (where applicable)	08113264
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?

Day		Month		Year			
1	8	0	7	2	0	2	5

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

Day		Month		Year			

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

Grocery/Convenience Retail Store:

The store offers a wide range of products and services, including soft drinks, crisps, snacks, confectionery, sandwiches, coffee, and hot food(pasty and Slices), alcohol for consumption off the premises (Off-Licence), lottery ticket sales, and utility bill payment services.

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"/>
				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 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"/>
				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 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			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
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)	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			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur					
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	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)		
Fri					
Sat					
Sun			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)		

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	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Fri					
Sat					
Sun			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)		

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					
Thur			State any seasonal variations for the performance of dance (please read guidance note 5)		
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					
Thur			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
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					

I

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Fri					
Sat					
Sun					
			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)		
Mon					
Tue					
Wed					
Thur					
Fri					
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"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	06:00	23:00			
Tue	06:00	23:00			
Wed	06:00	23:00			
Thur	06:00	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)		
Fri	06:00	23:00			
Sat	06:00	23:00			
Sun	06:00	23:00			
			Open for trading as normal, including bank holidays (e.g., Christmas Eve/Day and New Year's Eve/Day), from 06:00 to 23:00		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

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 KOPINATH KALANATHAN

Address

Postcode

Personal licence number (if known) RM2109

Issuing licensing authority (if known) Rotherham Metropolitan Borough 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)

N/A

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	There is no seasonal variation. The premises will be open for trading seven days a week, from 06:00 to 23:00
Mon	06:00	23:00	
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	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)
Sat	06:00	23:00	
Sun	06:00	23:00	
			Open for trading as normal, including bank holidays (e.g., Christmas Eve/Day and New Year's Eve/Day), from 06:00 to 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)

1. Staff Training: Ongoing training on licensing rules, underage sales, disorder, and child safety. Training records maintained.
2. Challenge 25: Strict ID checks for anyone under 25. Clear signage and trained staff to enforce policy. 3. DPS & Operations: Updated Operating Schedule. DPS actively manages alcohol sales and receives regular training.
4. Security: CCTV covering key areas with secure footage storage. Roller shutters for added protection. 5. Compliance & Policies: Follow laws and procedures on underage sales, disorder, and safeguarding. Liaise with authorities.
6. Ongoing Review: Regularly update policies, training, and conduct internal checks for compliance.

b) The prevention of crime and disorder

CCTV: Install a CCTV system covering entrances, exits, and key areas. Footage will be securely stored and retained per legal requirements. Door Policy: Enforce a strict door-close policy, especially at night, using a Night Service Window to control access. Clearly communicate this to staff and customers via signage and reminders. Licensing Hours Display: Clearly display up-to-date licensed hours where visible to customers. Crime Prevention Notices: Post visible warnings about potential crimes such as theft. Alcohol Refusal Policy: Do not serve alcohol to intoxicated customers. Train staff to recognise and act on signs of intoxication. Illegal Substances: Maintain vigilance to deter illegal drug use and cooperate with authorities on any incidents. Staff Training: Provide ongoing training in customer behaviour management to ensure a safe and respectful environment.

c) Public safety

Lighting: Ensure sufficient internal and external lighting to enhance visibility and deter crime. Regularly inspect and maintain all fixtures. Staff Training & Compliance: Provide comprehensive and refresher training on public safety, hygiene, and environmental health regulations. Ensure staff follow all safety procedures. Underage ID Checks: Enforce a strict ID policy for anyone appearing under 25. Train staff to verify acceptable IDs and identify fakes. Log Book/Recording System: Maintain a detailed log (physical or digital) to record inspections and safety checks. Keep it up to date and available for authorised inspection under the Licensing Act 2003. Premises Maintenance: Regularly inspect all areas and installations (e.g. doors, lighting, electricals, HVAC) for safety and function. Document all maintenance and repairs. Emergency Preparedness: Maintain an up-to-date emergency plan. Train staff in emergency response and conduct regular drills. Health & Safety Audits: Conduct regular audits to identify hazards and ensure compliance with health, hygiene, and occupational safety standards. Record and act on findings.

d) The prevention of public nuisance

To minimise noise and disturbance to nearby residents, the following measures will be implemented:
Notices: Clear, visible displayed to remind customers to respect neighbours and keep noise to a minimum. Deliveries: All deliveries will be scheduled during appropriate hours, avoiding night-time operations. Delivery staff will be instructed to work quietly and efficiently.
Customer Behaviour: Staff will politely discourage customers from gathering or speaking loudly outside, especially at night. Signage will also support this message.
Lighting: Lighting will be positioned and screened to avoid glare and light spillage, using directional fixtures to reduce disturbance to neighbours. Waste Management: Sufficient waste bins will be provided and regularly emptied to prevent overflow and noise from disposal activities.

e) The protection of children from harm

To protect children from harm, the following measures will be in place: Challenge 25 Policy: Clear signage will be displayed at the entrance and near alcohol displays. Staff will request valid ID (e.g., PASS card, driving licence, or passport) from anyone who appears under 25. All staff will be trained on the policy and ID-checking procedures. Staff Training: All staff will receive training on the legal requirements for selling age-restricted products, how to check ID, and how to respond when ID is missing or invalid. A Training Record Book will be maintained for reference and compliance. Log Book: A log book or digital system will record age-check incidents and actions taken, available for inspection under the Licensing Act 2003. Compliance Checks: Regular checks will be carried out to ensure policy adherence. Log entries will be reviewed to identify training needs and address issues promptly to prevent underage sales.

Checklist

Please tick to indicate agreement

- 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 ☒

[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 IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE 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 PURUANT 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	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]</p> <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	19/06/2025
Capacity	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	
Capacity	

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

KOPINATH KALANATHAN
J & P MONKTON ROAD

3 MEADOW BECK CLOSE

Post town YORK

Post code YO10 3SJ

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

kopi28@hotmail.co.uk

Notes for Guidance

1. 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.
2. 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.

- 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.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you

intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service

As an alternative to providing a copy of original documents, stated above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

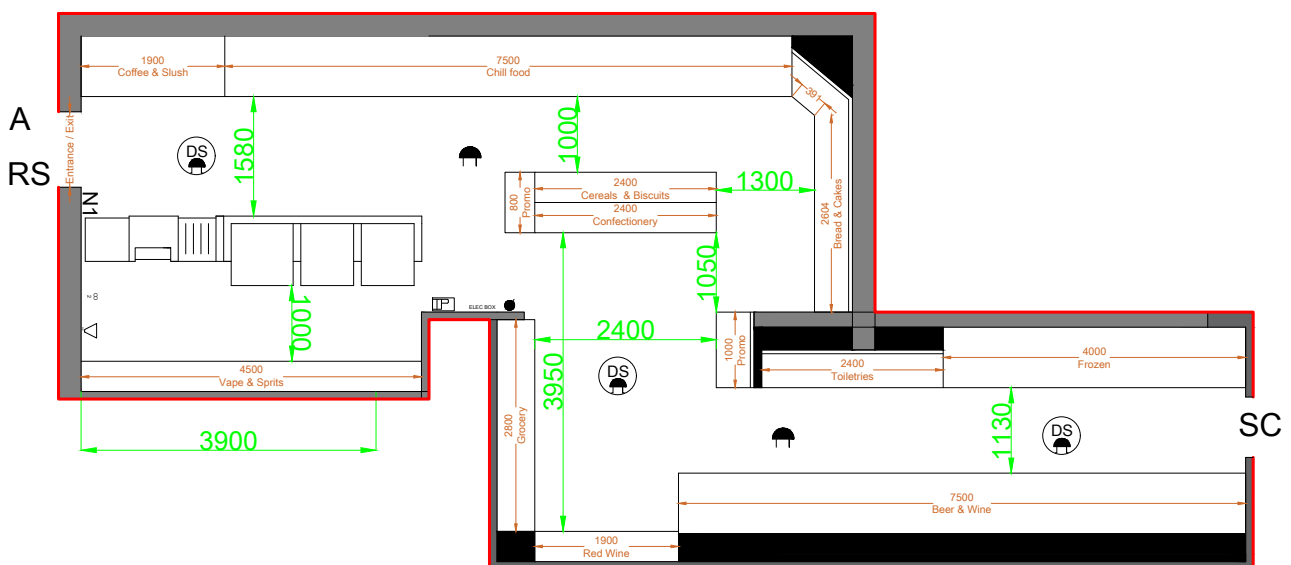
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

3 Intake Ave, Clifton,
York, YO30 6HB

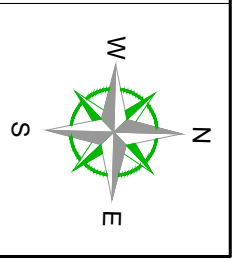


SCALE	DATE	DRAWN	
1:100	03/06/25	KKM	
Title			
3 Intake Ave			

Note:
-This plan has been surveyed to the scale shown.
-Caution should be exercised when enlargement are made.
-Every effort is made to identify all visible features, however it should be borne in mind that there may be items obscured at the time of the survey.

Address:
3 Intake Ave, Clifton, York, YO30 6HB

A	Self closing door on automatic activation	SC	Carbon dioxide extinguisher
RS	Roller shutter door	SC	Dry powder extinguisher
N1	Fire alarm sounder	SC	Self closing door
N1	General fire notice		
N1	Fire alarm / zone indicator panel		
N1	Actuating switch for normal lighting point		
DS	Smoke detector with sounder		



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Conditions agreed with North Yorkshire Police

1. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
2. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
3. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises.
4. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
5. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
6. 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.
7. A documented staff training programme shall be provided to all members of staff at the premises 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
 - opening times for the venue.

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 log book and runs from the date of that particular entry];

8. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
9. The premises shall operate the Challenge 25 policy for the sale of alcohol.

The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence 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. There shall be no sale of single cans of beer, lager or cider from the premises and no sales of single bottles of beer, lager or cider in vessels less than 500ml.
11. At least one personal licence holder will be available (this does not necessarily mean present at the premises) at all times that alcohol is on sale.
12. 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 the sale of alcohol
 - any visit by a relevant authority or 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 log book and runs from the date of that particular entry];

13. Spirits will be located behind the counter
14. Till prompts will be used to alert cashiers to retail sales of age restricted products.
15. A bin must be placed outside the premises and be emptied regularly

Plus the addition of condition 16:

16. The premises licence holder will work with an HR company, to carry out checks on the Home Office website and verify identification documents such as right to work documents to ensure that all new members of staff can be legally employed.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Representations

1.

Subject: Objection to Premises Licence Application by J&P Monkton Road Limited, 3 Intake Avenue, Clifton, York, YO30 6HB

I am writing to formally object to the above application for a Premises Licence to sell alcohol (off-licence), operating Monday to Sunday from 06:00 to 23:00.

As a local resident, I have significant concerns regarding this application on the following grounds, which align with considerations outlined in the Licensing Act 2003 and City of York Council's licensing objectives:

1. Prevention of Crime and Disorder and Public Nuisance:

The area surrounding the proposed premises already experiences instances of antisocial behaviour, which have been notably linked to alcohol consumption. Granting a new licence will exacerbate existing problems, potentially leading to increased disturbances, disorderly conduct, and nuisance affecting local residents. This would be contrary to Section 17 of the Crime and Disorder Act 1998, obligating authorities to consider crime prevention in their decision-making.

2. Over-concentration of Licensed Premises:

The neighbourhood is already sufficiently served by multiple shops and supermarkets selling alcohol within a short walking distance (examples include Sainsbury's Local on Burton stone lane and Clifton Mini Mart on Crichton Avenue).

The addition of yet another outlet selling alcohol would provide no tangible benefit or improved amenity for residents, contravening the principle of cumulative impact as detailed in the City of York's Licensing Policy. Granting this licence may encourage excessive drinking, leading to negative community impacts without enhancing local services or amenity.

3. Public Safety and Community Wellbeing:

Increased availability of alcohol, particularly with such extended daily hours, risks elevating public safety issues in our residential neighbourhood, including heightened noise levels, litter, and possible intimidation for residents, especially families with children and vulnerable groups.

4. Danger to children: Burton Green Primary School is located less than 10 minutes walk away and the site location for licencing would cross a key route that children take to access the school. The presence of an off-licence near a school risks increased exposure of young people to alcohol, potentially contributing to underage drinking and related antisocial behaviour.

Data from streetcheck.co.uk shows there were 24 instances of anti-social behaviour crimes within half a mile of the proposed site location in April 2025 alone! This is in addition to 23 violence and sexual offences reported in the area in the same month.

As a resident with young children, these statistics support a clear and sustained pattern of antisocial behaviour my family and I have observed first-hand in the immediate area and granting this licence would exacerbate the issue.

Adding another off-licence in a troubled zone contributes to the cumulative impact, which York's Licensing Policy identifies as a legitimate basis for refusal.

Given the reasons outlined, I strongly request that this application be refused in line with the Licensing Act 2003 and the associated statutory guidance.

Thank you for considering this objection seriously in your decision-making process.

Yours faithfully,

....Lucas Avenue,
York, YO30 6HJ

Source: [Information for Intake Avenue, York, YO30 6HB Postcode](#)

Source: [Local Crime Information for Intake Avenue, York, YO30 6HB - April 2025](#)

2.**Objection to Premises Licence Application by J&P Monkton Road Limited, 3 Intake Avenue, Clifton, York, YO30 6HB**

As a local resident, I have significant concerns regarding this application on the following grounds, which align with considerations outlined in the Licensing Act 2003 and City of York Council's licensing objectives:

1. Prevention of Crime and Disorder and Public Nuisance:

The area surrounding the proposed premises already experiences instances of antisocial behaviour, which have been notably linked to alcohol consumption. Granting a new licence will exacerbate existing problems, potentially leading to increased disturbances, disorderly conduct, and nuisance affecting local residents. This would be contrary to Section 17 of the Crime and Disorder Act 1998, obligating authorities to consider crime prevention in their decision-making.

2. Over-concentration of Licensed Premises:

The neighbourhood is already sufficiently served by multiple shops and supermarkets selling alcohol within a short walking distance (examples include Sainsbury's Local on Burton Stone Lane and Clifton Mini Mart and Morrisons Daily on Crichton Avenue).

The addition of yet another outlet selling alcohol would provide no tangible benefit or improved amenity for residents, contravening the principle of cumulative impact as detailed in the City of York's Licensing Policy. Granting this licence may encourage excessive drinking, leading to negative community impacts without enhancing local services or amenity.

1. Public Safety and Community Wellbeing:

Increased availability of alcohol, particularly with such extended daily hours, risks elevating public safety issues in our residential neighbourhood, including heightened noise levels, litter, and possible intimidation for residents, especially families with children and vulnerable groups.

2. Danger to children: Burton Green Primary School is located less than 10 minutes walk away and the site location for licencing would cross a key route that children take to access the school. The presence of an off-licence near a school risks increased exposure of young people to alcohol, potentially contributing to underage drinking and related antisocial behaviour.

I hope our objection is provided due consideration.

Kind regards

.... St Joseph's Court

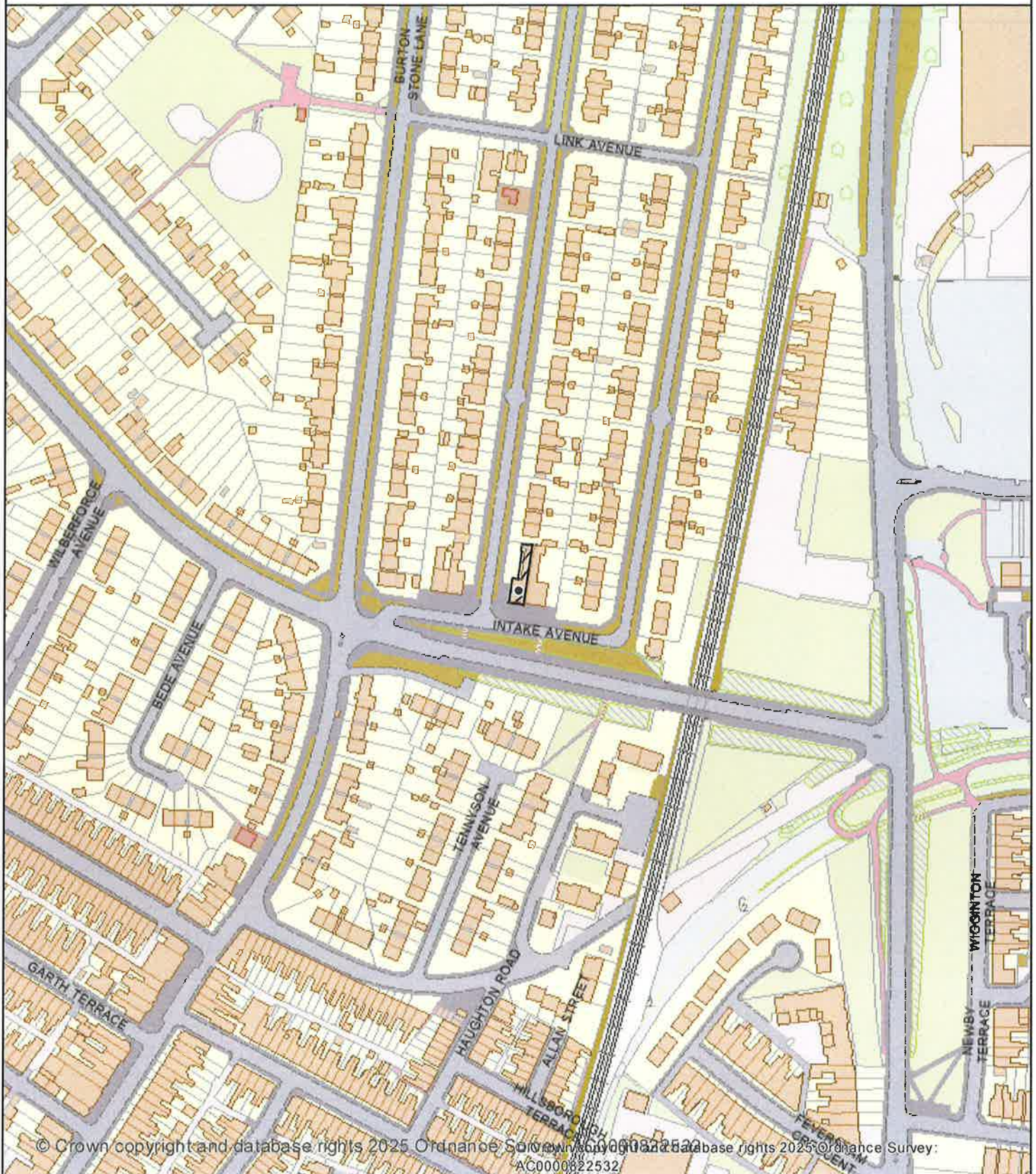
CLIFTON

York, YO30 6LB

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ANNEX 5

Map of area



Date: 08 Jul 2025

Author: City of York Council

Scale: 1:2,500



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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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