



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 061097

Postal address of premises:

5 Whip-Ma-Whop-Ma-Gate

Post town: **York**

Post code: **YO1 8BL**

Telephone number: None

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

RECORDED MUSIC
Indoors

Monday
09:00 - 23:30

Tuesday
09:00 - 23:30

Wednesday
09:00 - 23:30

Thursday
09:00 - 23:30

Friday
09:00 - 23:30

Saturday
09:00 - 23:30

Sunday
09:00 - 23:30

PERFORMANCES OF DANCE

Indoors

Monday
09:00 - 23:30

Tuesday
09:00 - 23:30

Wednesday
09:00 - 23:30

Thursday
09:00 - 23:30

Friday
09:00 - 23:30

Saturday
09:00 - 23:30

Sunday
09:00 - 23:30

LATE NIGHT REFRESHMENT

Indoors and Outdoors

Monday
23:00 - 23:30

Tuesday
23:00 - 23:30

Wednesday
23:00 - 23:30

Thursday
23:00 - 23:30

Friday
23:00 - 23:30

Saturday
23:00 - 23:30

Sunday
23:00 - 23:30

SUPPLY OF ALCOHOL

Monday
09:00 - 23:30

Tuesday
09:00 - 23:30

Wednesday
09:00 - 23:30

Thursday
09:00 - 23:30

Friday
09:00 - 23:30

Saturday
09:00 - 23:30

Sunday
09:00 - 23:30

The Opening Hours of the Premises

Monday
09:00 - 23:30

Tuesday
09:00 - 23:30

Wednesday
09:00 - 23:30

Thursday
09:00 - 23:30

Friday
09:00 - 23:30

Saturday
09:00 - 23:30

Sunday
09:00 - 23:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:

Name: Mr Mehmet Simsek

Address: 5 Whip-Ma-Whop-Ma-Gate
York
YO1 8BL

Telephone number: None

Email address: None

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Mehmet Simsek

Address:



Telephone number: None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC055238

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE 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;
 - 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.
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.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. This licence excludes 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.

Protection of Children from Harm

2. A 'Challenge 21'scheme will be adopted on the premises and only a passport or photographic driving licence will be accepted as ID.

Annex 3 – Conditions attached after a hearing by the licensing authority

No hearing held

1. Whilst regulated entertainment is taking place, all doors and windows shall remain closed, except for the purposes of ingress and egress.
2. The doors to the roof terrace shall be closed and remain closed after 21:00 hours each day.
3. Customers will not be allowed on the roof terrace after 21:00 hours each day.
4. Signs shall be displayed near the exits reminding customers to respect the needs of those living nearby and to leave the premises as quietly as possible.
5. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises.
6. Any complaints received from local premises to be acted upon immediately to reduce the noise levels. Any noise complaints to be logged in a log book and actions taken also logged.
7. The log book shall be made available to the local authority on request.
8. Licensable activities and closure of the premises to the public shall be no later than 23:30 hours, with no access to the roof top terrace after 21:00 hours.

9. Customers shall only be served by way of waiter / waitress service.

10. On days when race meetings are held at York Racecourse (save for the family meeting held in September) a minimum of 2 door supervisors shall be provided at the premises from 17:00 hours to close of business. At all times the need for SIA registered door staff shall be determined in accordance with a risk assessment to be carried out by the Designated Premises Supervisor and / or the Premises Licence Holder. When employed door staff will wear high visibility arm bands.

11. A colour digital CCTV system shall be installed within the premises and operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises.

12. The CCTV recordings shall be of good evidential quality to be produced in court or other such hearing.

13. Copies of CCTV recordings will be kept available for any responsible authority for 28 days.

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

15. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- 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].

16. 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 refusal of sale of alcohol.

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].

17. All off sales shall be in sealed containers and no drinks in open vessels to be taken off the premises.

18. There will be a minimum of 45 seat covers for diners on the ground floor and a minimum of 30 seated covers for diners on the rooftop terrace at all times the venue is open to reduce the need for vertical drinking.

Annex 4 – Approved Plan

Plan Number 2016181.04 Rev A5

For and on behalf of
The Director of Economy & Place

Date: 26/06/2018

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 061097

Postal address of premises:

5 Whip-Ma-Whop-Ma-Gate

Post town: **York**

Post code: **YO1 8BL**

Telephone number: None

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

RECORDED MUSIC
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LATE NIGHT REFRESHMENT

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SUPPLY OF ALCOHOL

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The Opening Hours of the Premises

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Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and Off the premises

Name and (registered) address of holder of premise licence:

Name: Mr Mehmet Simsek

Address: 5 Whip-Ma-Whop-Ma-Gate
York
YO1 8BL

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premise licence authorises the supply of alcohol:

Mr Mehmet Simsek

State whether access to the premises by children is restricted or prohibited

No restrictions

For and on behalf of
The Director of Economy & Place

Date: 26/06/2018

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing