

## **Licensing/Gambling Hearing**

**To:** Councillors Galvin, Mason and Melly

**Date:** Monday, 17 August 2020

**Time:** 10.00 am

**Venue:** Remote Meeting

### **A G E N D A**

#### **1. Chair**

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

#### **2. Introductions**

#### **3. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### **4. Exclusion of Press and Public**

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

**5. The Determination of a Section 35(3)(a) Application by Waddo's Pub & Grub Company Ltd for Variation of a Premises Licence in respect of The Walnut Tree, 73 Heworth Village, York YO31 1AN**

Democratic Services:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following, please contact Democratic Services:

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

Contact details are set out above.

**This information can be provided in your own language.**

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 (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

**Distribution:**

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Library

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## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS**

### **Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. 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 Hearing will be recorded and the recording placed on the Council's website.

### **Preparation for the Remote Licensing Hearing**

5. The Sub-Committee will use the 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. This video-conferencing platform will also be used for decision making in private. 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.

6. 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.
7. 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.
8. 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.
9. 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.

### **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. 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.

12. 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.
13. 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 Members.
14. **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.
15. 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.
16. 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.

### ORDER OF PROCEEDINGS AT THE REMOTE HEARING

#### **Chair's introduction and opening comments**

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their

representatives), and establish the identity of all who will be taking part.

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

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

### **Licensing Manager**

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

### **The Application**

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

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

### **The Representations**

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation [*maximum 15 minutes each party*]:

- Police
- Other Responsible Authorities



- Ward Councillors
  - Public representation
24. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

## Summaries

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
- Police
  - Other Responsible Authorities
  - Ward Councillors
  - Local residents
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. The Chair will provide the Sub-Committee 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.

## Determination

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. 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.

30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) usually within 5 working days of the hearing. There can be no further questions or statements.
31. If the Sub-Committee does not make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.



## Licensing Act 2003 Sub Committee

17 August 2020

Report from the Assistant Director – Planning & Public Protection

### **Section 35(3) (a) Application for variation of a premises licence for The Walnut Tree, 73 Heworth Village, York, YO31 1AN**

#### **Summary**

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009050
3. Name of applicant: Waddo's Pub & Grub Company Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application: The variation seeks to alter the layout of the premises to increase the licensable area by including an external bar area for the sale of alcohol from 1200 until 2200 every day. The variation also seeks to increase the hours for the sale of alcohol by 2 hours at the start of the trading day, from 0800.

<b>Licensable Activities</b>	<b>Existing Hours</b>	<b>Proposed Hours</b>
Films	Indoors 0800 to 2300 Sun to Thurs 0800 to 0000 Fri & Sat	No change
Indoor Sports	0800 to 2300 Sun to Thurs 0800 to 0000 Fri & Sat	No change
Live Music	Indoors 1000 to 2230 everyday	No change
Recorded Music	Indoors 1000 to 2300 everyday	No change
Other Entertainment	Indoors 1000 to 2300 everyday	No change
Late Night	Indoors	No change

Refreshment	2300 to 2345 Sun to Thurs 2300 to 0045 Fri & Sat	
Supply of Alcohol	Both on & off sales 1000 to 2330 Sun to Thurs 1000 to 0030 Fri & Sat	Both on & off sales 0800 to 2330 Sun to Thurs 0800 to 0030 Fri & Sat  Sale of alcohol in the outside bar: 1200 to 2200 everyday
Opening Hours	0800 to 0000 Sun to Thurs 0800 to 0100 Fri & Sat	No change

### **Background**

6. A copy of the application to vary the licence is attached at Annex 1.
7. A copy of the plan is attached at Annex 2.
8. A copy of the current licence is attached at Annex 3.

### **Promotion of Licensing Objectives**

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

#### General

- a. Staff are trained using CPL online industry training and we have two duty managers who are aware of the licensing objectives.
- b. All policies are displayed
- c. CCTV maintained and available on mobile phones
- d. Compliance checks are done and safety certificates provided by the pub company Ei as part of tenancy agreement

#### The prevention of crime and disorder

- a. CCTV cameras covering car parks, entry points, garden, bar, lounge and behind the bar. Information boards displaying CCTV in use.
- b. Challenge 21
- c. Staff training

- d. Drugs policy
- e. Door staff SIA licensed and used when required for special events.

#### Public safety

- a. External lighting in car park and external areas
- b. Local taxi firms advertised within the pub and will call a taxi on behalf of customers if necessary
- c. Staff training using an online portal
- d. Outdoor areas and seating maintained as well as trees and fencing
- e. Premises cleaned regularly, and toilets and outside areas checked regularly
- f. First aid equipment available and first aider on site
- g. All drinks served from the outside bar using non-glass drinkware
- h. Pat test all equipment
- i. Fire alarm serviced as per tenancy agreement
- j. Public liability insurance
- k. All utility certificates available
- l. Each outside event will be risk assessed

#### The prevention of public nuisance

- a. A4 signage for customer dispersal
- b. Regular patrols of premises
- c. Regulated volume control in place
- d. Beer garden closed at 2100, no live or recorded music past 2200
- e. Leaflet drop the surrounding neighbours when an event is planned
- f. All musical events will be sound checked and monitored during performances

#### The protection of children from harm

- a. Challenge 21 in use
- b. Children and under 18 policy in place
- c. Beer garden (inc play area closed at 2100)
- d. Children and under 18's must be off the premises by 2100
- e. Signage asking parents to supervise their children at all times
- f. Signage relating to no climbing trees or on garden furniture
- g. Regular patrols of all areas.

### **Cumulative Impact Assessment Area**

10. This premises is not located within the cumulative impact assessment area approved by full council on 21 March 2019.

### **Consultation**

11. 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.
12. All procedural aspects of this application have been complied with.

### **Summary of Representations made by Responsible Authorities**

13. North Yorkshire Police have agreed conditions with the applicant to be attached to the licence if granted, and therefore make no further representation, their agreed conditions are attached at Annex 4.
14. City of York Council Public Protection (Environmental Protection) have agreed conditions with the applicant to be attached to the licence if granted, therefore they make no further representation. The agreed conditions are attached at Annex 5.

### **Summary of Representations made by Other Parties**

15. There were 3 relevant representations received from other persons. The list of representors is attached at Annex 6. Please note that since the end of representation date one of the objectors, number 2 in Annex 7, has since withdrawn their representation so there are now 2 valid representations to consider.
16. The representations are predominantly based on the grounds of the prevention of public nuisance objectives. They state that this objective will be undermined if the application is granted.
17. A copy of all the representations are attached at Annex 7, please disregard number 2 as it has been withdrawn.

18. A map showing the general area around the venue is attached at Annex 8.

### **Planning Issues**

19. There are no outstanding planning issues.

### **Options**

20. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
21. Option 1: Modify the conditions of the licence
22. Option 2: Reject the whole or part of the application.  
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.

### **Analysis**

23. The following could be the result of any decision made this Sub Committee:-
24. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
25. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

### **Council Plan**

26. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
27. 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 of safe communities and culture for all, and a good quality of life for everyone.

## **Implications**

28.

- **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – N/A
  - **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**

29. 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.
30. 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**

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

## **Contact Details**



**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director for Planning and Public  
Protection.

**Report  
Approved**



**27/07/2020**

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Heworth**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Application form
- Annex 2** - Plan
- Annex 3** - Current licence
- Annex 4** - Conditions agreed with North Yorkshire Police
- Annex 5** - Conditions agreed with Public Protection
- Annex 6** - List of representors CONFIDENTIAL
- Annex 7** - Copy of representations
- Annex 8** - Map of area
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation and Policy Considerations

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Annex 1.



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

**Application to vary a premises licence 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 Waddos' Pub and Grub Company Ltd being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

CYC - 009050

**Part 1 – Premises Details**

Postal address of premises or, if none, ordinance survey map reference or description

THE WALNUT TREE, 73 HEWORTH VILLAGE, HEWORTH

Post town YORK

Post code YO311AN

Telephone number of premises (if any)

01904 438888

Non domestic rateable value of premises

£ 41,400

**Part 2 – Applicant Details**

Daytime contact telephone number

Email address (optional)

Mr

☒

Mrs

☐

Miss

☐

Ms

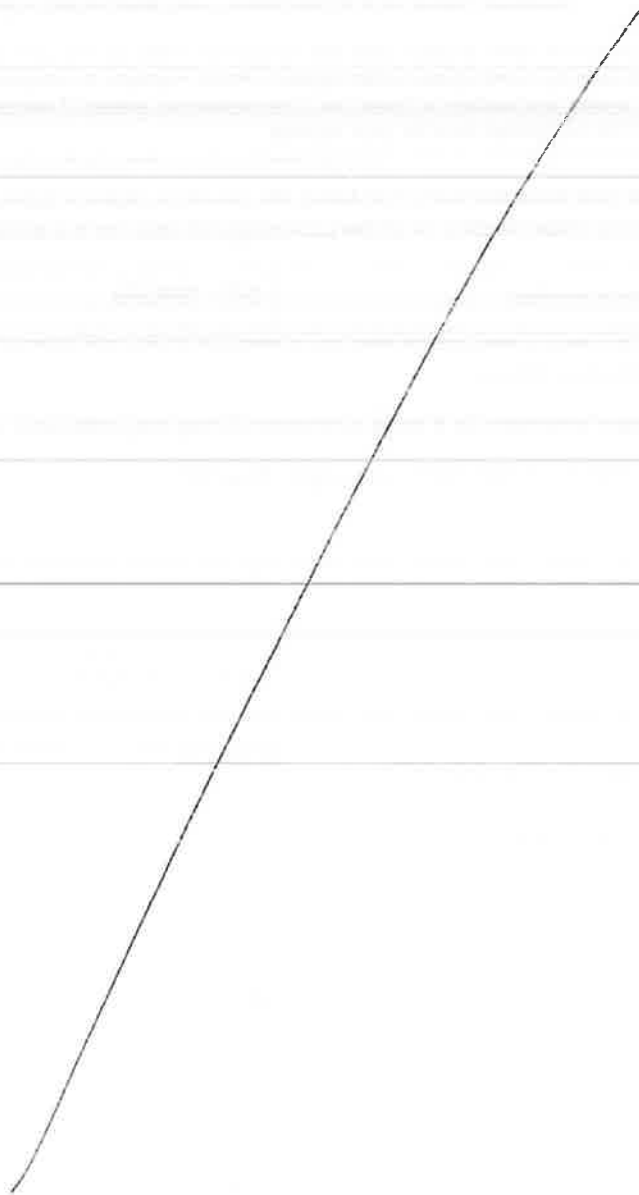
☐Other title (for  
example, Rev)☐

Surname

WADDINGHAM

First names

PAUL CHARLES



**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To increase the sale of alcohol hours as follows

08:00 to 23:30 Mon to Thurs

08:00 to 00:30 Fri & Sat

08:00 to 23:30 Sunday

Amend the plans to include an external bar and include the sale of alcohol outside from :

12:00 to 22:00 Mon to Sun

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a



**Part 4 - Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Please tick ✓ yes

**Provision of regulated entertainment**

- |    |  |   |
|----|--|---|
| a) | play (if ticking yes, fill in box A)   | <input type="checkbox"/>                      |
| b) | films (if ticking yes, fill in box B)  | <input type="checkbox"/>                      |
| c) | indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>                      |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>                      |
| e) | live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> <i>HL</i> |
| f) | recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> <i>HL</i> |
| g) | performance of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>                      |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>                      |

**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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
				<b>Both</b>	
<b>Mon</b>			<b>Please give further details here (please read guidance note 3)</b>		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for performing play (please read guidance note 4)</b>		
<b>Thur</b>					
<b>Fri</b>			<b>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)</b>		
<b>Sat</b>					
<b>Sun</b>					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a film take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
				<b>Both</b>	
<b>Mon</b>			<b>Please give further details here (please read guidance note 3)</b>		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the exhibition of films (please read guidance note 4)</b>		
<b>Thur</b>					
<b>Fri</b>			<b>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 5)</b>		
<b>Sat</b>					
<b>Sun</b>					



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 3)			<b>Please give further details</b> (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			<b>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.</b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓)</b> (please read guidance note 2)	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
Mon			<b>Please give further details here</b> (please read guidance note 3)	<b>Both</b>	
Tue					
Wed			<b>State any seasonal variations for the boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>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.</b> (please read guidance note 5)		
Sat					
Sun					



E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri					
Sat			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 7)		
Sun					



F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 7)		
Sun					



**G**

<b>Performance of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>		<b>Indoors</b>	
					<b>Outdoors</b>	
					<b>Both</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>				
<b>Mon</b>			<b>Please give further details here (please read guidance note 3)</b>			
<b>Tue</b>						
<b>Wed</b>			<b>State any seasonal variations for the performance of dance (please read guidance note 4)</b>			
<b>Thur</b>						
<b>Fri</b>			<b>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 5)</b>			
<b>Sat</b>						
<b>Sun</b>						

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>			
			<b>Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>		<b>Indoors</b>	
					<b>Outdoors</b>	
					<b>Both</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>				
<b>Mon</b>			<b>Please give further details here (please read guidance note 3)</b>			
<b>Tue</b>						
<b>Wed</b>			<b>State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</b>			
<b>Thur</b>						
<b>Fri</b>			<b>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 5)</b>			
<b>Sat</b>						
<b>Sun</b>						

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

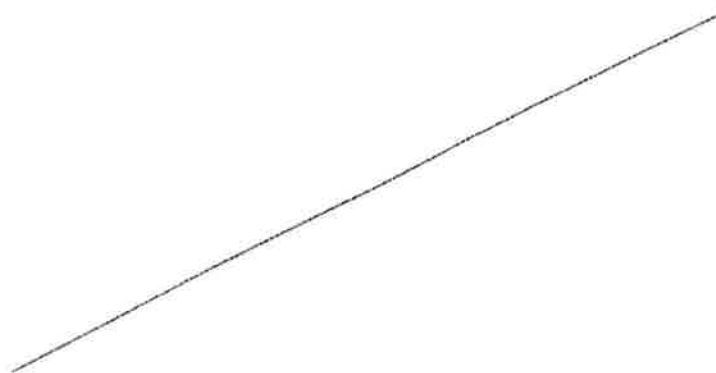
J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	08:00 HRS	23:30 HRS	State any seasonal variations for providing dancing facilities (please read guidance note 4) provision of alcohol  CHRISTMAS EVE 08:00 HRS – 01:00 HRS NEW YEARS EVE 08:00 HRS – 01:00 HRS BANK HOLIDAY SUNDAYS 08:00 HRS – 01:00 HRS	Both	✓
Tue	08:00 HRS	23:30 HRS			
Wed	08:00 HRS	23:30 HRS			
Thur	08:00 HRS	23:30 HRS			
Fri	08:00 HRS	00:30 HRS	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 5)  FOR THE PROVISION OF ALCOHOL FROM THE OUTSIDE BAR:  MON – 12:00 HRS – 22:00 HRS TUES – 12:00 HRS – 22:00 HRS WED – 12:00 HRS – 22:00 HRS THUR – 12:00 HRS – 22:00 HRS FRI – 12:00 HRS – 22:00 HRS SAT – 12:00 HRS – 22:00 HRS SUN – 12:00 HRS – 22:00 HRS		
Sat	08:00 HRS	00:30 HRS			
Sun	12:00 HRS	23:30 HRS			
	8:00				



**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 8)

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	CHRISTMAS EVE - 08:00 HRS - 01:30 HRS NEW YEARS EVE - 08:00 HRS - 01:30 HRS BANK HOLIDAY SUNDAY - 08:00 HRS - 01:30 HRS
Mon	08:00 HRS	00:00 HRS	
Tue	08:00 HRS	00:00 HRS	
Wed	08:00 HRS	00:00 HRS	<b>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.</b> (please read guidance note 5)
Thur	08:00 HRS	00:00 HRS	
Fri	08:00 HRS	01:00 HRS	
Sat	08:00 HRS	01:00 HRS	
Sun	08:00 HRS	00:00 HRS	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I DON'T BELIEVE THERE ARE ANY CONDITIONS ON THE LICENCE THAT MAY NEED TO BE REMOVED

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Please tick ✓ yes

☐ ✓

☐ ✓

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

STAFF ARE TRAINED USING CPL ON-LINE INDUSTRY TRAINING AND WE HAVE TWO DUTY MANAGERS WHO ARE AWARE OF THE LICENCE OBJECTIVES. ALL POLICIES ARE DISPLAYED. CCTV MAINTAINED AND AVAILABLE ON OUR MOBILES. COMPLAINTS CHECKS ARE DONE. ALL SAFETY CERTIFICATES PROVIDED BY THE PUB COMPANY E.I. AS PART OF OUR TENANCY AGREEMENT.

### b) The prevention of crime and disorder

CCTV CAMERAS COVERING CAR PARKS, ENTRY POINTS, GARDEN, BAR AND LOUNGE. BEHIND THE BAR ALSO COVERED. INFORMATION BOARDS DISPLAYING CCTV IN USE. CHALLENGE 21. STAFF TRAINING. DRUGS POLCY. DOOR STAFF SIA REGISTERED IF AND WHEN REQUIRED FOR SPECIAL EVENTS

### c) Public safety

EXTERNAL LIGHTING IN CAR PARK AND EXTERNAL AREAS. LOCAL TAXI FIRMS ADVERTISED WITHIN THE PUB AND WILL CALL A TAXI ON BEHALF OF CUSTOMER IF NECESSARY. STAFF TRAINING. USING AN ONLINE TRAINING PORTAL. OUTDOOR PLAY AREA AND SEATING MAINTAINED. AS WELL AS THE TREES AND FENCING. PREMISES CLEANED REGULARLY AND TOILETS AND OUTSIDE AREA CHECKED REGULARLY. FIRST AID EQUIPMENT AVAILABLE AND FIRST AIDER ON SITE. ALL DRINKS SERVED FROM THE OUTSIDE BAR USING NON-GLASS DRINKWARE. PAT TEST ON ALL EQUIPMENT AND FIRE ALARM SERVICED AS PART OF OUR TENANCY AGREEMENT. PUBLIC LIABILITY INSURANCE. ALL UTILITY CERTIFICATES AVAILABLE. EACH OUTSIDE EVENT WILL BE RISK ASSESSED

### d) The prevention of public nuisance

A4 SIGNAGE FOR CUSTOMER DISPERSAL. REGULAR PATROL OF PREMISES. REGULATED VOLUME CONTROL IN PLACE. BEER GARDEN CLOSED AT 9PM NO LIVE OR RECORDED MUSIC PAST 10:00 HRS. LEAFLET DROP THE SURROUNDING NEIGHBOURS WHEN AN EVENT IS PLANNED. ALL MUSICAL EVENTS WILL BE SOUND CHECKED AND MONITORED DURING PERFORMANCES

### e) The protection of children from harm

CHALLENGE 21 IN USE. CHILDREN AND UNDER 18'S POLICY IN PLACE. BEER GARDEN (INC. PLAY AREA CLOSED AT 9PM) CHILDREN AND UNDER 18'S MUST BE OFF THE PREMISES BY 9PM. SIGNAGE ASKING PARENTS TO SUPERVISE THEIR CHILDREN AT ALL TIMES. SIGNAGE RELATING TO NO CLIMBING TREES OR ON GARDEN FURNITURE. REGULAR PATROL OF ALL AREAS

## Checklist

Please tick ✓ Yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

See details of Licensing Act 2003 fees: <https://www.york.gov.uk/LicensingAct2003StatutoryFees>.

This authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

## Part 5 – Signatures (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date 09.03.2020 .....

Capacity ..Owner, Director. ....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature .. AW .....

Date 09.03.2020 .....

Capacity .. Owner Director .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

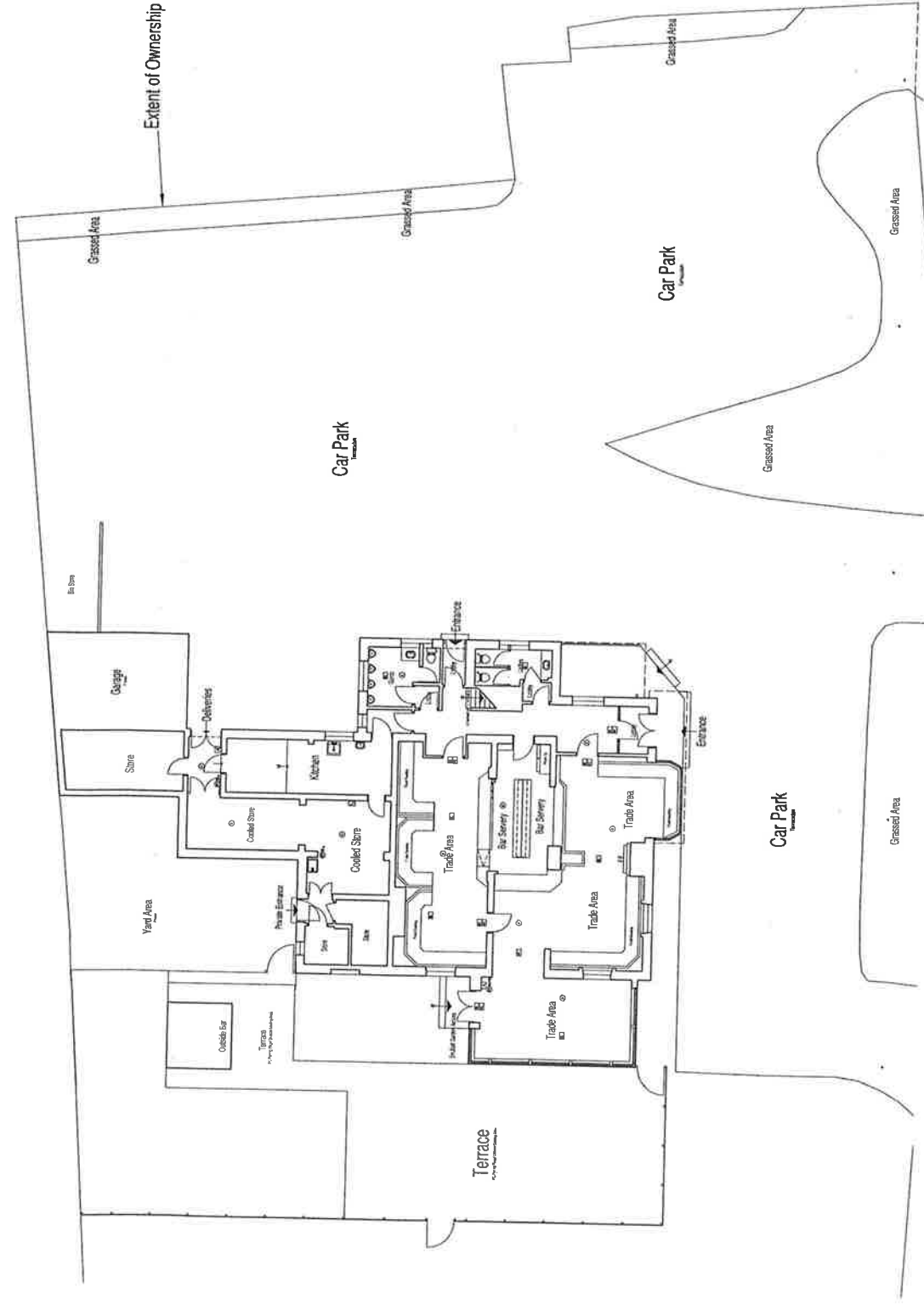
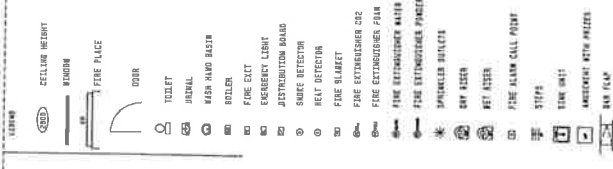
### Notes for guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.
8. 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, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Licensable Activities May Take Place In All Public Areas Unless The Premises Licence Specifies Otherwise



Site Referred to

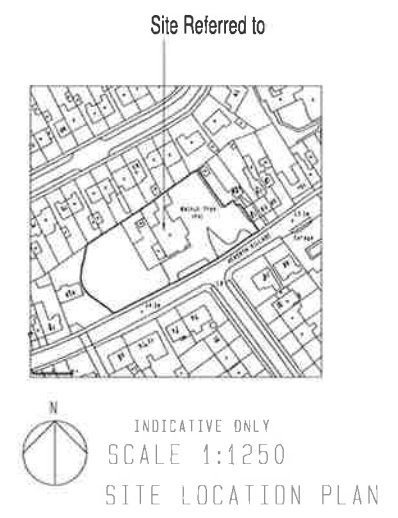


INDICATIVE ONLY

SCALE 1:1250

# SITE LOCATION PLAN

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SCALE 1:100  
GROUND FLOOR

PROPERTY NAME		WALSH TRST	DATE OF PURCHASE	PRG. SCALE
PROPERTY ID	ADDRESS	33 HENRY STREET FORD MASS 01830	DATE OF PURCHASE 11/22/2010	PRG. SCALE AS BUILT



Annex 3

**LICENSING ACT 2003****PREMISES LICENCE****Schedule 12****Part A****Part 1 Premises details**

Premises licence number  
CYC - 009050

Postal address of premises:

**Walnut Tree  
Heworth Village**

Post town: **York**

Post code: **YO31 1AN**

Telephone number: 01904 438922

**Expiry date:** This licence has no expiry date.

**Licensable activities authorised by the licence:**

Films  
Indoor sporting events  
Live Music  
Recorded Music  
Activities like music/dance  
Late Night Refreshment  
Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:****FILMS****Indoors**

Monday 08:00-23:00	Tuesday 08:00-23:00	Wednesday 08:00-23:00	Thursday 08:00-23:00
Friday 08:00-00:00	Saturday 08:00-00:00	Sunday 08:00-23:00	

## INDOOR SPORTING EVENTS

Monday 08:00-23:00	Tuesday 08:00-23:00	Wednesday 08:00-23:00	Thursday 08:00-23:00
Friday 08:00-00:00	Saturday 08:00-00:00	Sunday 08:00-23:00	

LIVE MUSIC  
Indoors

Monday 10:00-22:30	Tuesday 10:00-22:30	Wednesday 10:00-22:30	Thursday 10:00-22:30
Friday 10:00-22:30	Saturday 10:00-22:30	Sunday 10:00-22:30	

RECORDED MUSIC  
Indoors

Monday 10:00-23:00	Tuesday 10:00-23:00	Wednesday 10:00-23:00	Thursday 10:00-23:00
Friday 10:00-23:00	Saturday 10:00-23:00	Sunday 10:00-23:00	

ACTIVITIES LIKE MUSIC/DANCE  
Indoors

Monday 10:00-23:00	Tuesday 10:00-23:00	Wednesday 10:00-23:00	Thursday 10:00-23:00
Friday 10:00-23:00	Saturday 10:00-23:00	Sunday 10:00-23:00	

LATE NIGHT REFRESHMENT  
Indoors

Monday 23:00-23:45	Tuesday 23:00-23:45	Wednesday 23:00-23:45	Thursday 23:00-23:45
Friday 23:00-00:45	Saturday 23:00-00:45	Sunday 23:00-23:45	

## SUPPLY OF ALCOHOL

Monday 10:00-23:30	Tuesday 10:00-23:30	Wednesday 10:00-23:30	Thursday 10:00-23:30
Friday 10:00-00:30	Saturday 10:00-00:30	Sunday 10:00-23:30	

Non Standard Timings for Films and Indoor Sporting Events:

Christmas Eve and Boxing Day 08:00-00:00 Bank Holiday Sunday 08:00-00:00

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Non Standard Timings for Late Night Refreshment:

Christmas Eve and Boxing Day 23:00-00:45 Bank Holiday Sunday 23:00-00:45

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Non Standard Timings for Supply of Alcohol:

Christmas Eve and Boxing Day 10:00-00:30 Bank Holiday Sunday 10:00-00:30

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

**The Opening Hours of the Premises**

Monday 08:00-00:00	Tuesday 08:00-00:00	Wednesday 08:00-00:00	Thursday 08:00-00:00
Friday 08:00-01:00	Saturday 08:00-01:00	Sunday 08:00-00:00	

Non Standard Timings

Christmas Eve and Boxing Day 08:00-01:00 Bank Holiday Sunday 08:00-01:00

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

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

On the premises

## Part 2

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

Name: Waddo's Pub & Grub Company Ltd

Address: The Beresford Arms  
Whalton  
Morpeth  
Northumberland  
NE61 3UZ

Telephone number: None

Email address: None

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

10459569

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

Name: Mr Paul Charles Waddingham

Address: The Walnut Tree  
73 Heworth Village  
Heworth  
York  
YO31 1AN

Telephone number: 01904 438922

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

Gedling Borough Council  
16/01084/PERS

## **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: 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).

## **Annex 2 – Conditions consistent with the operating schedule**

### **Licensing Objectives**

#### General

- 1. Risk assessments are undertaken.

#### Prevention of Crime & Disorder

- 2. When the premises are refurbished CCTV will be installed on the premises.

#### Public Safety

- 3. Function bookings will be limited to 80 persons.

#### Protection of Children from Harm

- 4. The restrictions set out in the Licensing Act 2003 will apply.

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

1. The supply of alcohol shall cease 30 minutes prior to the end of opening hours on each and every day.

2. The following regulated entertainment shall cease 60 minutes prior to the end of opening hours on each every day: films and indoor sporting events.

3. Late night refreshment shall cease 15 minutes prior to the end of opening hours on each and every day.

4. All windows and doors shall be kept closed after 22:30 hours except for access and egress on each and every day.

5. Regulated entertainment shall be inaudible at the nearest noise sensitive residential premises.

6. A dispersal policy shall be agreed in writing with the Licensing Authority and shall be implemented before the licence takes effect.
7. All off sales shall be made in sealed containers.
8. All external drinking areas shall be vacated, cleared and cleaned by 23:30 hours on each and every day.
9. All children under 14 years of age must be accompanied by a responsible adult at all times and shall vacate the premises by 21:00 hours on each and every day.

#### **Annex 4 – Approved Plan**

Plan Number            3240-04

For and on behalf of  
The Director of Economy & Place

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Date: 30/09/2005  
05/09/2017 (Transfer & DPS Variation)

Phone: 01904 552512  
Fax: 01904 551590  
Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)





## PREMISES LICENCE SUMMARY

### Part B

#### Part 1 Premises details

Premises licence number  
CYC - 009050

Postal address of premises:

**Walnut Tree  
Heworth Village**

Post town: **York**

Post code: **YO31 1AN**

Telephone number: 01904 438922

#### Where the licence is time limited the date:

This licence has no expiry date.

#### Licensable activities authorised by the licence:

Films  
Indoor sporting events  
Live Music  
Recorded Music  
Activities like music/dance  
Late Night Refreshment  
Supply of Alcohol

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

##### FILMS

##### Indoors

	Tuesday	Wednesday	Thursday
Monday 08:00-23:00	08:00-23:00	08:00-23:00	08:00-23:00
Friday 08:00-00:00	Saturday 08:00-00:00	Sunday 08:00-23:00	

# INDOOR SPORTING EVENTS

Monday 08:00-23:00	Tuesday 08:00-23:00	Wednesday 08:00-23:00	Thursday 08:00-23:00
Friday 08:00-00:00	Saturday 08:00-00:00	Sunday 08:00-23:00	

## LIVE MUSIC Indoors

Monday 10:00-22:30	Tuesday 10:00-22:30	Wednesday 10:00-22:30	Thursday 10:00-22:30
Friday 10:00-22:30	Saturday 10:00-22:30	Sunday 10:00-22:30	

## RECORDED MUSIC Indoors

Monday 10:00-23:00	Tuesday 10:00-23:00	Wednesday 10:00-23:00	Thursday 10:00-23:00
Friday 10:00-23:00	Saturday 10:00-23:00	Sunday 10:00-23:00	

## ACTIVITIES LIKE MUSIC/DANCE Indoors

Monday 10:00-23:00	Tuesday 10:00-23:00	Wednesday 10:00-23:00	Thursday 10:00-23:00
Friday 10:00-23:00	Saturday 10:00-23:00	Sunday 10:00-23:00	

## LATE NIGHT REFRESHMENT Indoors

Monday 23:00-23:45	Tuesday 23:00-23:45	Wednesday 23:00-23:45	Thursday 23:00-23:45
Friday 23:00-00:45	Saturday 23:00-00:45	Sunday 23:00-23:45	

## SUPPLY OF ALCOHOL

Monday 10:00-23:30	Tuesday 10:00-23:30	Wednesday 10:00-23:30	Thursday 10:00-23:30
Friday 10:00-00:30	Saturday 10:00-00:30	Sunday 10:00-23:30	

Non Standard Timings for Films and Indoor Sporting Events:

Christmas Eve and Boxing Day 08:00-00:00      Bank Holiday Sunday 08:00-00:00

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Non Standard Timings for Late Night Refreshment:

Christmas Eve and Boxing Day 23:00-00:45    Bank Holiday Sunday 23:00-00:45

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Non Standard Timings for Supply of Alcohol:

Christmas Eve and Boxing Day 10:00-00:30    Bank Holiday Sunday 10:00-00:30

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

**The Opening Hours of the Premises**

Monday 08:00-00:00	Tuesday 08:00-00:00	Wednesday 08:00-00:00	Thursday 08:00-00:00
Friday 08:00-01:00	Saturday 08:00-01:00	Sunday 08:00-00:00	

Non Standard Timings

Christmas Eve and Boxing Day 08:00-01:00    Bank Holiday Sunday 08:00-01:00

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

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

On the premises

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

Name:            Waddo's Pub & Grub Company Ltd

Address:        The Beresford Arms  
                      Whalton  
                      Morpeth  
                      Northumberland  
                      NE61 3UZ

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

10459569

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

Mr Paul Charles Waddingham

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

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.

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.

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.

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).

For and on behalf of  
The Director of Economy & Place

Date: 30/09/2005  
05/09/2017 (Transfer & DPS Variation)

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552512  
Fax: 01904 551590  
Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

**Conditions agreed with North Yorkshire Police**

1. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.
  - It will be maintained, working and recording at all times when the premises are open.
  - The recordings should be of good evidential quality to be produced in Court or other such hearing.
  - Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
  - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
  - Copies of the recordings will display the correct time and date of the recording.
  - It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority. Subject to Data Protection requirements.
  
2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-
  - Retail sale of alcohol
  - Age verification policy
  - Conditions attached to the Premises Licence
  - Permitted Licensable activities
  - The Licensing objectives and
  - The Opening Times of the venue.

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

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

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

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

## **ANNEX 5**

### **Conditions agreed with Public Protection**

Public Protection objected to the above premises licence application on the grounds of public nuisance. I have, however, mediated with the applicant and so long as the following condition is attached to the licence our objection is withdrawn:

#### **Condition 1.**

A noise management plan shall be submitted to the Local Authority for approval no later than 3 months from the granting of the variation of the premises licence. Once agreed the noise management plan shall be implemented and adhered to thereafter by any occupant.

Regards

Michael Golightly  
**Acting Environmental Health Officer**

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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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**ANNEX 7**

**Representations from other persons**





Heworth Village  
York  
YO31 1AN  
15/07/2020

Dear Sir/Madam,

Ref: Application by Waddos Pub & Grub Company Ltd, Walnut Tree, Heworth

We have lived next to the Walnut Tree Pub, on the car park side, for nearly twenty years and have seen many changes over the years. When we first moved in, the pub was what could be described as an "old man's" pub and it was very quiet; the only noise was from the coming and going of people.

Since then, the biggest change has been the smoking ban. At first, this was people just popping outside for a few minutes before going back inside. Unfortunately, over the years, with the addition of a smoking shelter and heat lamp, some of the customers are spending significant amounts of time, if not their whole visit, outside, in what is effectively the car park. The inevitable consequences of this are that, as the day wears on, inhibitions fade, voices get louder and swearing increases. It can get really unpleasant, especially as this can all be heard in our young children's bedrooms.

It must be made clear, of course, that these changes to the pub all pre-date the current landlords. They are nice people who are working hard to make the pub a success, and we wish them well with this. However, they, like previous landlords, busily engaged inside, are not always aware what is happening outside, as the pub and its grounds are large.

The large beer garden is on the other side of the pub to the car park and we believe that some customers remove themselves from the beer garden to the smoking shelter, in the car park, so that they can be more relaxed with their language and behaviour. Their consideration for the people they can see does not benefit the families that they can't see, but who can hear what is being said and who, unlike the customers, are not free to walk away if they don't like it.

The current landlords have always responded to any complaints we have made, but the situation is not helped by the existing pub layout and the rise in popularity of the pub over the last couple of years.

The application to have a bar outside, we think, could work really well if it puts staff outside more of the time, but we would ask that, to ensure outside areas are better managed, all drinkers and smokers are encouraged to be in the beer garden by making the car park a drink-free area.

The current Covid restrictions have closed the smoking shelter in the car park and it has made such a big difference. Being in our back garden has become so much more child friendly and has reminded us of the times before the smoking ban and what is possible with a small change. The separation of drinkers from what is a busy car park would also appear inherently safer for the customers.

The houses around the car park are the closest to the pub and are affected more than others by noise due to the different boundary distances, wind direction and the position of entrances / exits

etc. We would, therefore, ask that our proposal, regarding removing drinks from the car park, be considered as part of the application to have an outside bar.

As for the proposal to extend the opening times we would be reluctant to see the hours extended. We would question what customers this change is looking to attract. On face value, it would look to be targeted at the match day and race day crowds who have always been the most raucous. We are not sure who else wants to drink at 8 in the morning.

The pub is surrounded by houses and we are not sure getting the customers drinking earlier, at a pub popular with families, away from the city centre, is really going to benefit anyone.

We would appreciate if our views would be carefully considered when making your decision on the application and/or conditions placed on the application.

Yours faithfully

2

Walney Road  
Heworth  
YORK  
YO31 1AH

20<sup>th</sup> July 2020

[licensing@york.gov.uk](mailto:licensing@york.gov.uk)

To whom it may concern,

Re: Waddos Pub and Grub Company Ltd/The Walnut Tree, Heworth.  
Application for a full variation of premises License

I would like to object to the application to increase the hours that alcohol can be sold from The Walnut Tree and to the installation of an outside bar which could serve alcohol from 12 noon to 10pm hours 7 days a week.

We are lucky to have a local pub and I fully understand that all businesses are operating in difficult times, however, this is a quiet residential area comprising of many different types of household, there are a lot of elderly residents as well as young families and professionals, who are increasingly working from home.

My property backs on to the house, on Heworth Village, which is directly opposite to The Walnut Tree's beer garden. Consequently, the noise from the pub affects me a lot. I think that extending the current hours ie: 12noon-11pm Mon-Wed, 12 noon-11.30pm Thurs-Sat and Sun 12 noon-10.30hrs to 8am-11.30pm Mon-Thurs, 8am-12.30am Fri-Sat and 8am-11.30pm Sundays will result in much more noise from customers both whilst they on the premises and when they are walking home and it would constitute more than 30 extra hours drinking time per week. It is often the case that I am disturbed by patrons passing my house after closing time, and this will only be exacerbated by increased licensing hours. The outside bar will also generate added noise, to the detriment of our neighbourhood and particularly to those who live in close proximity to The Walnut Tree who will not be able to enjoy the use of their own gardens due to the general clamour. I worry that the incidence of antisocial behaviour will rise as a result of more alcohol sales.

In conclusion I would like to reiterate that, whilst I can only congratulate the current tenants for all of their hard work in making a go of The Walnut Tree, I would like to object to this current plan to increase licensing hours and to install an outside bar.

Yours faithfully,

By email \*\*\*\*\*



**Sefton, Helen**

**From:** I  
**Sent:** 21 July 2020 14:27  
**To:** licensing@york.gov.uk  
**Subject:** Representation re Notice of Application for the Variation of a Premises Licence

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir

Re: Licensing application for  
Waddos Pub & Grub Company Ltd  
The Walnut tree  
73 Heworth Village  
Heworth  
YO31 1AN

I understand that The Walnut Tree, Heworth Village has requested an extension to their licence, specifically to:

- Start serving alcohol from 8:00am on all days, instead of 10:00am
- Install and serve from an external bar

I would strongly oppose both of these on the following grounds:

- The Walnut Tree is situated in a residential area and any extension to opening hours will increase the traffic, both motorised and pedestrian, with associated noise and disruption;
- Heworth Village is on a regular walking route to at least three primary schools (Hempland, Heworth and Tang Hall), and frequented by secondary school pupils travelling to school at this time. It is not appropriate, from a child protection point of view, for publicly visible consumption of alcohol to be taking place before 10:00am in a morning;
- The current landlord has shown little consideration for surrounding residents, has allowed excessively loud music to be played in the external area, and has been the subject of numerous noise complaints. Any increase in external activities - both extended hours and in particular an external bar - are very likely to generate further nuisance to nearby residents.

Whilst I appreciate businesses are struggling at these present times, many of the activities taking place at these premises are not appropriate for a residential area and any extension will have a further detrimental effect on local residents.

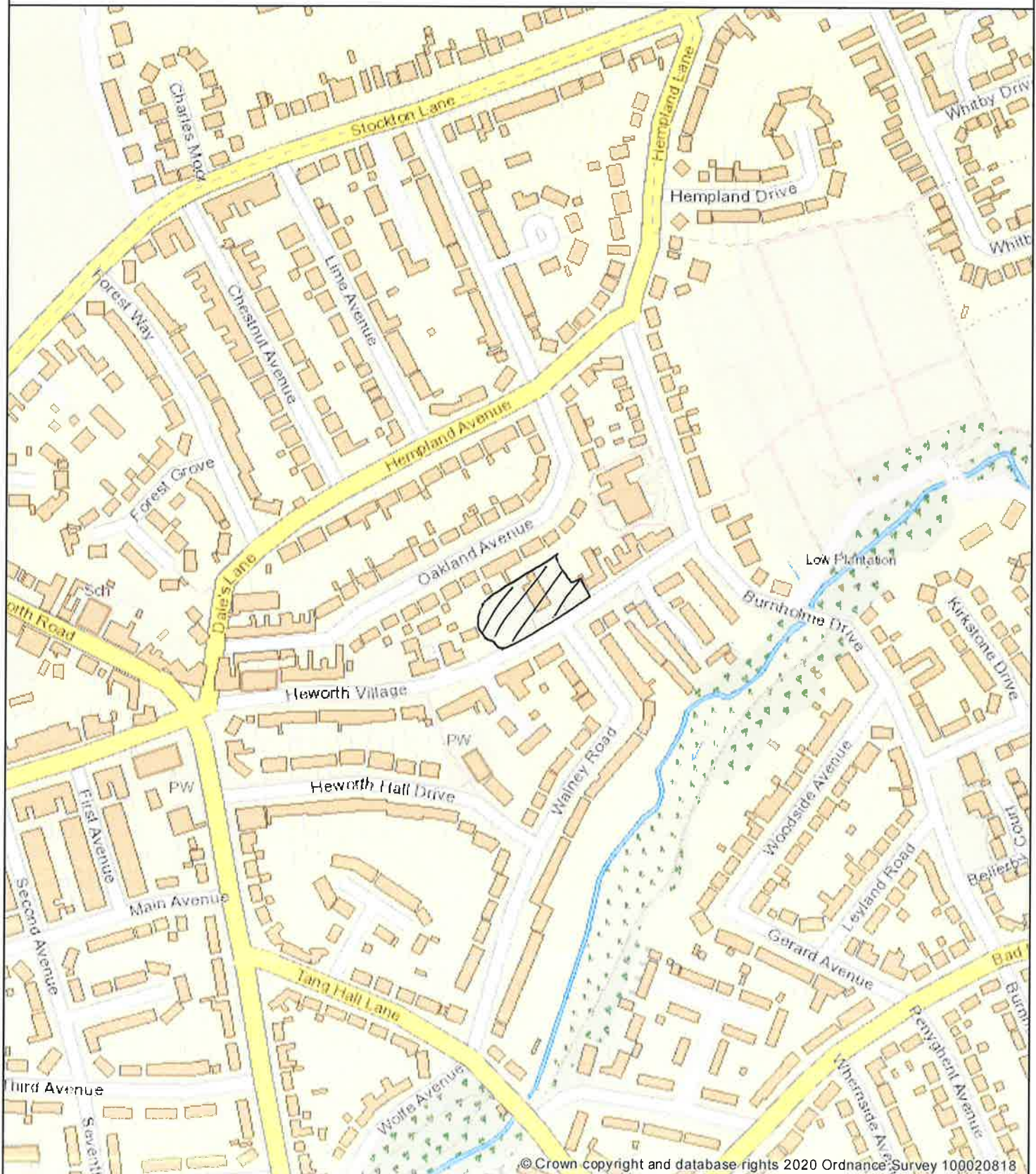
Walney Road  
Heworth  
York. YO31 1AH

(f)

## Annex 8 - Map of area



CITY OF  
**YORK**  
COUNCIL



**Date:** 24 Jul 2020

**Author:** City of York Council

**Scale:** 1:4,000



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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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