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**Licensing Act 2003 Sub Committee****20 December 2021**

Report from the Director – Environment, Transport &amp; Planning

**Section 18(3) (a) Application for a premises licence for Clifton Bridge Hotel, 23 Water End, Clifton, York, YO30 6LL****Summary**

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC069581
3. Name of applicant: Clifton Bridge Hotel Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a Clifton Bridge Hotel:

<b>Proposed Activity</b>	<b>Timings</b>
Provisions of Late Night Refreshment – indoors (food to be provided to residents only – room services)	Mon – Sun 23:00 – 01:00
Supply of Alcohol – on and off the premises	Mon – Sun 12:00 – 23:00
Opening hours	Mon – Sun 12:00 – 23:00

**Background**

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.

7. The premises is described in the application as a hotel with 14 bedrooms, a bar area, a restaurant for seating of up to 43 people and an outside seating area for up to 40 people.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.
9. This premises was previously licensed. The licence was suspended in 2012 due to non-payment of the required annual fee. The licence lapsed in 2018 following receipt of information that the licence holder had died.

### **Promotion of Licensing Objectives**

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

11. **General**

- To follow any legislation passed regarding the sale of alcohol.
- To follow any guidelines set by City of York Council.
- All staff will receive training regarding the conditions imposed by the licence.

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

#### Door Staff

- Due to the nature of the premises door staff will not be employed on a regular basis. Ongoing risk assessments will be made and door staff employed if necessary.

#### Drugs

- A zero tolerance policy on drugs will be implemented.

#### Designated Premises Supervisor

- The DPS/PLH will be contactable in an emergency.
- If the DPS/PLH is not on site then there will be a supervisor nominated in their absence.
- A Supervisor's Register will be maintained at the licensed premises and will be available for inspection upon request.
- The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-

social behaviour, admissions refusals and ejections from the premises. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.

### Incidents

- As above, an incident book will be kept which will record details of all instances of public disorder.

### CCTV

- A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
- The CCTV system will cover the main entrance/s and exit/s and designated emergency access routes from the premises.
- The CCTV system will be of a satisfactory resolution quality and will contain the correct time and date stamp information.
- The CCTV footage will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
- The CCTV will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.
- The CCTV will be made available at the request of an authorised officer.

### Radio

- Ongoing risk assessments will be made and use of radios will be reviewed if necessary.

### Bottles and glasses

- No customer will be permitted to take open containers of alcohol from the premises onto the street.
- Every effort will be made for all bottles and glasses to be removed from the public areas as soon as they are finished with.
- The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

### Proof of age

- A proof of age policy to the satisfaction of the Police and City of York Council will be in place for those purchasing alcohol.
- The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

### Drinks promotions

- Non-alcoholic drinks will be readily available at all times.
- All-inclusive nights or other inappropriate/volume drinking promotions that promote excessive drinking philosophy will not be permitted.

### Notices

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

## **13. Public Safety**

### General

- A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
- Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
- Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
- Regular safety checks of all fixtures and fittings will be made and records of these checks will be kept.
- Empty bottles and glasses will be collected regularly, paying particular attention to outdoor areas.
- No strobes, lasers or smoke machines will be used on the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

### First Aid

- A suitably trained First Aider or appointed person will be provided at all times when the premises are open.

- Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.

#### Fire Safety

- The premises will have an up to date Fire Risk Assessment at all times.

### **14. The Prevention of Public Nuisance**

#### Noise

- Clear and legible notices will be displayed at exits requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting and anti-social behaviour.
- Internal speakers will be operated by staff only and the controls will not be accessible by the public.
- No external speakers shall be used.
- Bottles will not be placed in any outdoor receptacles between the hours of 23:00 and 07:00 so as to minimise the noise disturbance to neighbouring properties.

#### Litter

- The PLH/DPS will ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

### **15. The Protection of Children from Harm**

#### Admission

- Children under the age of 18 will be permitted into the restaurant if they are accompanied by an adult.
- A proof of age policy to the satisfaction of the Policy and City of York Council will be in place, for those purchasing alcohol.

#### Working with children

- Appropriate background checks on all potential staff will be carried out before offering them employment. The Licensee will report any child related concerns to the police he/she has about potential staff, existing staff and customers.
- The PLH/DPS will comply with the written guidance for protection children from harm issued by City of York Council, Department of Social Services.

## **Special Policy Consideration**

16. This premise is not located within the cumulative impact area.

## **Consultation**

17. 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.
18. All procedural aspects of this application have been complied with.

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

19. North Yorkshire Police have mediated with the applicant during the consultation period, they have agreed additional conditions with the applicant which now form part of the operating schedule and will appear as conditions if the licence is granted. The agreed conditions can be found at Annex 3. Therefore North Yorkshire Police do not oppose this application.

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

20. There have been 16 relevant representations received from other persons. The list of representors is attached at Annex 4.
21. The representations are predominantly based on the grounds of the prevention of crime and disorder, and prevention of public nuisance objectives. They state that this objectives will be undermined if the application is granted.
22. A copy of all the representations are attached at Annex 5.
23. A map showing the general area around the venue is attached at Annex 6.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

## **Options**

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

## **Analysis**

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

## **Council Plan**

37. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
38. 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**

39.

- **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**

40. 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.
41. 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**

42. Members determine the application.



Reason: To address the representations received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

**Chief Officer Responsible for the report:**

James Gilchrist  
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report  
Approved**



**Date**

07/12/21

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected:**

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

### **Background Papers:**

- Annex 1** - Application Form
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Conditions Agreed by North Yorkshire Police and Applicant
- Annex 4** - List of Other Persons (CONFIDENTIAL)
- Annex 5** - Other Persons Representations
- Annex 6** - Map
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations