
Licensing Act 2003 Sub Committee**23 May 2022**

Report from the Director – Environment, Transport & 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: CYC - 070384
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:

Proposed Activity	Timings
Supply of Alcohol – on 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 and the operating schedule.
7. The premises is described in the application as a hotel with 14 bedrooms, a restaurant seating up to 43 people serving mainly residents, with pre-booked meals from members of the public. A food led premises where all alcohol will be served with meals only. No bar service and an outside area for up to 20 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. An application for a new premises licence was made by the current owners in October 2021 and was subsequently withdrawn.

Promotion of Licensing Objectives

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

11. General

- a. To follow any legislation passed regarding the sale of alcohol.
- b. To follow any guidelines set by York City Council.
- c. The premises shall be food led and all alcohol shall be served with a meal.
- d. All staff will receive training regarding the conditions imposed by the licence.
- e. 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.
 - Staff training records will be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

12. The Prevention of Crime and Disorder

- a. Door staff - It will be the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration will be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.
- b. A zero tolerance policy on drugs will be implemented.

- c. Designated Premises Supervisor (DPS) or Premises licence Holder (PLH) will be contactable in an emergency.
- d. If the DPS/PLH is not on site then there will be a supervisor nominated in their absence.
- e. A Supervisor's Register will be maintained at the licensed premises and will be available for inspection upon request.
- f. 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.
- g. 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.
- h. An incident book will be kept which will detail recorded of all instances of public disorder.
- i. CCTV - 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 as well as the exit/entrance.
 - The CCTV system will cover the main entrance/s and exit/s and designated emergency access routes from the premises.
 - The CCTV will be maintained, working and recording at all times when the premises are open.
 - The CCTV system will be of a satisfactory resolution quality and will contain the correct time and date stamp information.
 - The recordings will 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 31 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.
 - 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.
 - The CCTV will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.
- j. Ongoing risk assessments will be made and use of radios will be reviewed if necessary.

- k. No customer will be permitted to take open containers of alcohol or glass from the premises onto the street.
- l. Every effort will be made for all bottles and glasses to be removed from the public areas as soon as they are finished with.
- m. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
- n. 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 licence holder will operate a Challenge 25 Age Verification Policy at the premises.
 - The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).
- o. Non-alcoholic drinks will be readily available at all times.
- p. All-inclusive nights or other inappropriate/volume drinking promotions that promote excessive drinking philosophy will not be permitted.
- q. 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

- a. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
- b. 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.
- c. 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.
- d. Regular safety checks of all fixtures and fittings will be made and records of these checks will be kept.
- e. Empty bottles and glasses will be collected regularly, paying particular attention to outdoor areas.
- f. 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.
- g. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.

- h. Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.
- i. The premises will have an up to date Fire Risk Assessment at all times.
- j. A Fire Risk Assessment was completed on the 9th February 2022 and all recommendations raised were implemented.

14. The Prevention of Public Nuisance

- a. The outside area shall not be used by customers for food and drink after 2100hrs daily.
- b. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
- c. 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.
- d. Internal speakers will be operated by staff only and the controls will not be accessible by the public.
- e. No external speakers shall be used.
- f. Bottles will not be placed in any outdoor receptacles between the hours of 23:00 and 07:00 so as to minimise noise disturbance to neighbouring properties.
- g. 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

- a. Children under the age of 18 will be permitted into the restaurant if they are accompanied by an Adult.
- b. A proof of age policy to the satisfaction of the Police and City of York Council will be in place, for those purchasing alcohol.
- c. 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.
- d. The PLH/DPS will comply with the written guidance for protecting children from harm issued by City of York Council, Department of Social Services.

Special Policy Consideration

- 16. This premises 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. There have been no representations received from the Responsible Authorities.

Summary of Representations made by Other Parties

20. There have been 11 relevant representations received from other persons. The list of representors is attached at Annex 3.
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 4.
23. A map showing the general area around the venue is attached at Annex 5.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 6. The Legislation and Policy considerations can be found at Annex 7.

Options

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:

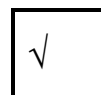
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

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**Report
Approved**

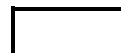


**Date
19.4.22**

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Clifton Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form, plans & operating schedule
- Annex 2** - Overview of circumstances in which entertainment activities are not licensable
- Annex 3** - List of other persons (CONFIDENTIAL)
- Annex 4** - Other persons representations
- Annex 5** - Map
- Annex 6** - Mandatory conditions
- Annex 7** - Legislation and policy considerations