

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Rose and Smalley

Date: Tuesday, 4 June 2024 – adjourned from 13 May 2024
and further adjourned from 3 June 2024

Time: 3.00 pm

Venue: West Offices, York

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest (Pages 9-10)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

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. Minutes (Pages 11-19)

To approve and sign the minutes of the Licensing Hearing held on 15 April 2024.

6. The Determination of an Application by Joseph Moore for a Premises Licence (Section 18(3) (a) in respect of 14 Clifford Street, York, YO1 9RD (CYC-077680) (Pages 21-84)

Democratic Services Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- Email - a.bielby@york.gov.uk

For more information about any of the following, please contact the Democratic Services officer responsible for servicing this meeting:

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

Contact details are set out above.

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 مہیا کی جاسکتی ہیں۔ (Urdu)

☎ (01904) 551550

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**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination

or disposal of any Appeal. The live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. The Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
7. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.
8. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.
11. The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the

application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
13. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. All paperwork relevant to the hearing will be published online on the Council's website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

16. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
17. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
18. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
19. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

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

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

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

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

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case [*maximum 5 minutes each party*] in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	15 April 2024
Present	Councillors Melly, Hook, and Wells
Officers in attendance	Lesley Cooke - Licensing Manager Sandra Branigan - Legal Advisor

1. Chair (10:05am)

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

2. Introductions (10:06am)

Introductions were made.

3. Declarations of Interest (10:07am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests.

Councillor Hook declared that she was an acquaintance of the Applicant for the application in question.

4. Exclusion of Press and Public (10:07am)

Resolved: That the press and public be excluded from the meeting during the Sub-Committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

5. Minutes (10:08am)

Resolved: That the minutes from the Licensing Hearing held on 12 February 2024 be signed and approved as an accurate record subject to the following amendments of Minute 24(5):

- Minute 24(5), paragraph 3: Amend “Budget” to “Bridget”;
- Minute 24(5), paragraph 4: Amend “Your” to “her”;
- Minute 24(5), paragraph 4: Delete: “You were not”;
- Minute 24(5), paragraph 5: Delete: “There would never be more than 18 covers inside the meeting and 8 covers outside the meeting” and add “There would never be more than 18 covers inside the premises and 8 covers outside the premises”;
- Minute 24(5), paragraph 5: Delete: “You would be willing” and add “She would be willing”.

6. The Determination of an Application by Karl Smith for a Premises Licence [Section 18(3)] in respect of St Lawrence Church and Community Hall (CYC-077499). (10:11am)

Members considered an application by Karl Smith for a Premises Licence [Section 18(3)(a)] in respect of St Lawrence Church and Community Hal, York.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the Hearing:

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it including the written representations received from local residents and the additional information submitted by the Applicant.

3. The Licensing Manager's report and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, noting the opening and operating hours of the event, and that it was an application for a beer festival once a year in September, for four-years.

She explained that the plan of the premises was detailed in annex 1, and provided a larger printout of this to those in attendance at the hearing.

She explained that the premises was not in the Cumulative Impact Area and that the Applicant had carried out the consultation process correctly. She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with the police, as set out in Annex 3.

She drew attention to the representations made by two other people at Annex 5, and the additional information submitted by the Applicant in the agenda supplement. She then advised the sub-committee of the options open to them in determining the application.

In response to questions from members, the Licensing Officer confirmed:

- Although there was a requirement for the Applicant to have a policy on age-verification, it was up to the Applicant to determine the policy to be used.

4. The Applicant's representation at the hearing.

Karl Smith (the Applicant) explained that he had been York CAMRA's organiser in previous years, and that the event had been held at various events in the past, such as: Priory Street, York; York Racecourse, and St Lawrence Church, York.

The Applicant highlighted that in the event's most popular years they received a peak of 10,000 visitors over the festival's open period, but in recent years they had only received around 3,000 visitors over the same period.

He noted that the event has a good relationship with North Yorkshire Police, that there was an ambulance on site on standby for if needed, and that they have never had any incidents of note and the ambulance has not been needed.

He drew attention to the additional information provided within the agenda supplement, and noted that the Health and Safety information, amongst other documents, were available there for members.

In response to questions from members, the Applicant stated that:

- Once last orders were called at 10:45pm, staff encouraged customers to finish their drinks and leave the premises, and they would usually be empty by 11:30pm.
- The event would never exceed their fire-safety attendance limits, and crowd-management tactics would be used if necessary, such as counting people on arrival, and operating a one-out one-in policy.
- Customers would be encouraged to leave quietly, and security was on site, although it was expected that there would only be a small amount of people there for last orders, with most leaving beforehand.
- The Church, driveway, and buildings were owned by the Church, and was paid for and hired by CAMRA along with the Ellen and Dorothy Wilson Almshouse Charity (EDWAC) land.

The Chair asked the Applicant if they would be able to change their policy of only accepting UK-issued identification, to which the Applicant stated he was not able to answer. The Licensing Officer confirmed that as it was stated within the agreed conditions with North Yorkshire Police (annex 3) that acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo, this agreement would supersede their policy.

5. The representations made by Sue Richardson.

Sue Richardson explained that although the event was held at St Lawrence Church last year, she didn't object to its' licence as she wasn't aware it would be happening. She highlighted to the Sub-Committee that many residents of Ellen Wilson Cottages were elderly, and some had ill health.

She noted that there was currently no boundary separating residents' land and the land to be used by the event due to the fence falling down and not yet being repaired or replaced, this had led to a lack of privacy for Sue and residents. Sue highlighted the impact the event would have on residents' quality of life, and noted how during last year's event residents were unable to access their car park.

In response to a question from the Applicant, Sue Richardson confirmed that EDWAC owned the fence that separated her property from the event's premises.

In response to questions from members, Sue Richardson confirmed that:

- Residents had approached EDWAC to rebuild the fence and this was still ongoing, the fence acted as a barrier to noise.
- During last year's event she could hear music and voices over a speaker at 10pm, and this level of noise was not experienced with church events.
- The carpark was usually used for visitors or church events.

Sue Richardson was then given the opportunity to sum-up her case and this opportunity was refused.

The Applicant was given the opportunity to sum-up his case and explained that consultations had been made with EDWAC prior to the organisation of the event. He told the Sub-Committee that the existing Public Address (PA) system used at the church was a sound reinforcement system for those who were hard of hearing, during the event, this would be used for calling for last orders, public announcements, and for emergency evacuations. There would be no live music, and any recorded music would be played inside the marquee at a low volume until 11pm.

Karl Smith then told the Sub-Committee that staff who would be sleeping in caravans on site would just be wanting rest and therefore would not be making noise at night. He also commented that the fence separating Ellen Wilson Cottages from the event's premises was to be replaced by EDWAC with an improved wall, and was scheduled to be replaced before the event. He also mentioned that the marquee would be positioned in an agreed place with the church, and would not be covering graves, and dogs would only be permitted on leads.

He also commented that during the event there would be continuous access for emergency vehicles through Lawrence Street, York, and vehicles could be walked through the premises if necessary. He then stated that they had agreed with EDWAC that 6 spaces in the carpark would be left for the use of residents, and visitors would be encouraged to walk, cycle, or to use public transport.

Finally, Karl highlighted that the premises and Ellen Wilson Cottages were situated within an urban environment which was surrounded by university student housing and was busy at all times and that the holding of this event would not impact upon this.

In response to questions from members, Karl Smith confirmed that:

- He would agree to extra conditions to the licence indicating a tighter control on noise, and making it clear that off-sales were not permitted.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was rejected.

Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. This option was approved.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was rejected.

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was rejected.

Option 5: Reject the application. This option was rejected.

In approving Option 2, the Sub-Committee granted the licence for the following activities and timings as applied for together with modified/additional conditions imposed by the Sub-Committee (Option 2) as set out below:

- The conditions numbered 1 to 7 (inclusive) agreed between the Applicant and North Yorkshire Police set out in Annex 3 of the agenda shall be added to the licence as modified as follows:
 - i. Condition 1 shall be modified to read:
The premises licence holder will only permit 1 four-day event per calendar year which will be a beer/cider festival.
 - ii. Condition 5 shall be modified to read:
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 as first approved in writing by the Licensing Authority).

The conditions contained in the Operating Schedule shall be added to the licence unless contradictory to the above conditions.

The licence is also subject to the mandatory conditions applicable to licensed premises.

Reasons for the decision

1. The Sub-Committee carefully reviewed all the information presented from all parties in light of the licensing objectives and decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the Sub-Committee, for the following reasons:
2. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
3. The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies.
4. The Sub-Committee noted that although the festival has been held previously in York at Priory Street, York Racecourse and St Lawrence Church, this was an application for a new premises licence.
5. The Sub Committee carefully considered the representations made by nearby residents (both in writing and at the hearing) relating to public nuisance, with particular regard to concerns about noise disturbance due to the close proximity of the premises to their homes.
6. The Sub-Committee also considered the representations made by the Applicant in response to the concerns raised and noted the additional information provided within the agenda supplement. It was noted that the Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, had agreed with the Applicant additional conditions to be added to the grant of a licence. The Sub-Committee considered the fact that the Police did not object to the application (subject to the imposition of agreed conditions) carried great weight and reassured the Sub-Committee that the prevention of crime licensing objective would be unlikely to be undermined.
7. The Sub-Committee noted that there were no representations from any other Responsible Authority.

8. Whilst the Sub-Committee acknowledged the concerns expressed by the nearby residents, it did not consider that the representations about potential noise, traffic, access issues, disturbance and anti-social behaviour could justify the refusal of the application on the ground that granting the application would undermine the licensing objectives.
9. Having very carefully considered all of the evidence before it, the Sub-Committee considered that it had received sufficient assurances from the Applicant in order to be satisfied that the festival would be operated responsibly and felt that, based on the evidence before it, the additional conditions the Applicant had agreed with the Police (as modified by the Sub-Committee) were appropriate and proportionate to promote the licensing objectives. The Sub-Committee did not find any evidence to justify a refusal of the application and it was felt that further conditions would not be necessary in order to promote the licensing objectives on the basis of the evidence before the Sub-Committee
10. It was also noted that the Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant of a premises licence, a Responsible Authority or 'other persons', such as a local resident, to ask the Licensing Authority to review the licence if they consider that one or more of the licensing objectives are being undermined.
11. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr Melly, Chair

[The meeting started at 10.05 am and finished at 11.10 am].

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Licensing Act 2003 Sub Committee

13 May 2024

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for 14 Clifford Street, York, YO1 9RD

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 077680
3. Name of applicant: Mr Joseph Moore
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 basement lounge/social bar.

Proposed Activity	Timings
Films – indoors	10:00 to 01:00 everyday
Live Music – indoors	10:00 to 01:00 everyday
Recorded Music - Indoor	10:00 to 01:00 everyday
Late Night Refreshments - Indoors	23:00 to 01:00 everyday
Supply of Alcohol – on and off the premises	10:00 to 01:30 everyday

***Please note the applicant has agreed to remove indoor sports, boxing or wrestling and performance of dance from the application**

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 basement lounge/social bar predominantly used by holiday guests that have booked into the upper floor apartments. The basement will be open to non-patrons prior to booking in advance. Live lounge style entertainments will be provided on certain evenings with pool table and darts. The lounge will be available for guests from when guests check in.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

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

10. General

- a. The premises is a basement storey attached to four upper storey riverside apartments which fall under the same ownership. The proposed licensed area in the basement will be predominantly used as a lounge/social bar for guests and some non-patrons with prior booking.

11. The Prevention of Crime and Disorder

- a. Full colour CCTV system is installed, and a record kept.
- b. Challenge 21 will be in operation and this or passport will be accepted as proof of age.
- c. Pre booked holiday guests and advance bookings on non-patrons are only accepted into the lounge bar.

12. Public Safety

- a. This premises was newly refurbished in 2022. A full fire risk assessment has been carried out.
- b. The occupancy of the bar shall not exceed 100 persons.

13. The Prevention of Public Nuisance

- a. The premises is located in the basement with adequate sound proofing installed due to sleeping accommodation of holiday guests above.
- b. There are no open windows from the basement.
- c. Any non-patrons can ask management to call for a taxi or be directed to the nearest taxi rank.
- d. Signs will be positioned asking patrons to leave quietly.

14. The Protection of Children from Harm

- a. Children are welcome with adults if staying at the holiday apartments.

Special Policy Consideration

15. This premises is not located within the cumulative impact area.

Consultation

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

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police made representation on the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. The agreed conditions can be found at Annex 3. Therefore, North Yorkshire Police have withdrawn their representation.

19. Public Protection have made representation on the prevention of public nuisance and the protection of children from harm; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. They have also removed some licensable activities from the licence application (indoor sports, boxing or wrestling and performance of dance). Therefore, Public Protection have withdrawn their representation. Their agreements can be found at Annex 4.

Summary of Representations made by Other Parties

20. There have been 2 relevant representations received from other persons. The list of representors is attached at Annex 5.
21. The representations are predominantly based on the grounds of the Prevention of public nuisance and prevention of crime and disorder objectives. They state that this objective(s) will be undermined if the application is granted.
22. A copy of all the representations are attached at Annex 6.
23. A map showing the general area around the venue is attached at Annex 7.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

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 Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

39.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A

- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

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 55 1515

**Report
Approved**



Date 22 April 2024

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



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 with North Yorkshire Police

Annex 4 - Conditions agreed with Public Protection

Annex 5 - List of representors (**CONFIDENTIAL**)

Annex 6 - Representations

Annex 7 - Map

Annex 8 - Mandatory Conditions

Annex 9 - Legislation and Policy

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

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **JOSEPH MOORE**

 (insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none; ordnance survey map reference or description	
14 CLIFFORD STREET	
Post town	YORK
Post code	YO19RD

Telephone number of premises (if any)

Non-domestic rateable value of premises £

Part 2 – Applicant Details

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

Please tick as appropriate

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company/limited liability partnership please complete section (B)
 - ii. as a partnership (other than limited liability) please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname First names

Please tick yes

Date of Birth I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year					
01	05	2024					

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

Day	Month	Year					

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

THE PREMISES IS A BASEMENT LOUNGE /SOCIAL BAR PREDOMINATELY USED BY HOLIDAY GUESTS THAT HAVE BOOKED IN TO THE UPPER FLOOR APARTMENTS. THE BASEMENT WILL BE OPEN TO NON PATRONS PRIOR TO BOOKING IN ADVANCE. 'LIVE LOUNGE' STYLE ENTERTAINMENT WILL BE PROVIDED ON CERTAIN EVENINGS WITH POOL TABLE AND DARTS AREAS AVAILABLE FOR GUESTS THE LOUNGE BAR AREA WILL BE AVAILABLE FROM WHEN GUEST CHECK-IN

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

Text

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue				N/A	
Wed			State any seasonal variations for performing play (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	10:00	01:00			
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10:00	01:00			
Sun	10:00	01:00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	01:00	
Tue	10:00	01:00	State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed	10:00	01:00	
Thur	10:00	01:00	
Fri	10:00	01:00	
Sat	10:00	01:00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 6)
Sun	10:00	01:00	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both <input type="checkbox"/>
Tue				
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)	
Thur				
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 6)	
Sat	10:00	01:00		
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	10:00	01:00			
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 6)		
Sat	10:00	01:00			
Sun	10:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10:00	01:00			
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat	10:00	01:00			
Sun	10:00	01:00			

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon	10:00	01:00				
Tue	10:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 5)			
Wed	10:00	01:00				
Thur	10:00	01:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)			
Fri	10:00	01:00				
Sat	10:00	01:00				
Sun	10:00	01:00				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing			
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 6)			
Fri						
Sat						
Sun						

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	Please give further details here (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	Both	<input checked="" type="checkbox"/>
Thur	23:00	01:00			
Fri	23:00	01:00	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)	Both	<input checked="" type="checkbox"/>
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input checked="" type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6)	Both	<input checked="" type="checkbox"/>
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name JOSEPH MOORE

Address

Postcode

Personal licence number (if known)

Issuing licensing authority (if known)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	01:30	
Tue	10:00	01:30	
Wed	10:00	01:30	
Thur	10:00	01:30	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	01:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

THE PREMISES IS A BASEMENT STOREY ATTACHED TO 4 UPPER STOREY RIVERSIDE HOLIDAY APARTMENTS WHICH FALL UNDER THE SAME OWNERSHIP. THE PROPOSED LICENCED AREA IN THE BASEMNET WILL BE PREDOMINATELY USED AS A LOUNGE/SOCIAL BAR FOR GUESTS AND SOME NON PATRONS PRIOR TO ADVANCE BOOKING.

b) The prevention of crime and disorder

**FULL COLOUR CCTV SYSTEM IS INSTALLED AND A RECORD KEPT .
CHALLENGE 21 WILL BE IN OPERATION AND THIS OR PASSPORT WILL BE ACCEPTED AS PROOF OF AGE
PRE BOOKED HOLIDAY GUESTS AND ADVANCE BOOKINGS OF NON PATRONS ARE ONLY ACCEPTED
INTO THE LOUNGE BAR**

c) Public safety

**THE PREMISES WAS NEWLY REFUBISHEMNET IN 2022. A FULL FIRE RISK ASSESSMENT HAS BEEN CARRIED OUT
THE OCCUPANCY OF THE BAR SHALL NOT ECCEED 100 PERSONS**

d) The prevention of public nuisance

**THE PREMISES IS LOCATED IN THE BASEMENT WITH ADEQUATE SOUND PROOFING INSTALLED DUE TO SLEEPING
ACCOMMODATION OF HOLIDAY GUESTS ABOVE. THERE ARE NO OPEN WINDOWS FROM THE BASEMENT. ANY NON PATRONS CAN
ASK MANAGEMENT TO CALL FOR A TAXI OR BE DIRECTED TO THE NEAREST TAXI RANK. SIGNS WILL BE POSITIONED ASKING
PATRONS TO LEAVE THE PREMISES QUIETLY**

e) The protection of children from harm

CHILDREN ARE WELCOME WITH ADULTS IF STAYING AT THE HOLIDAY APARTMENTS

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

[Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships]

- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 156 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

Declaration	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]</p> <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).
Signature	_____
Date	_____
Capacity	_____

For joint applications signature of 1st applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	_____
Date	_____
Capacity	_____

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you

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

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

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

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

They do this in one of two ways:

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

Home Office online right to work checking service

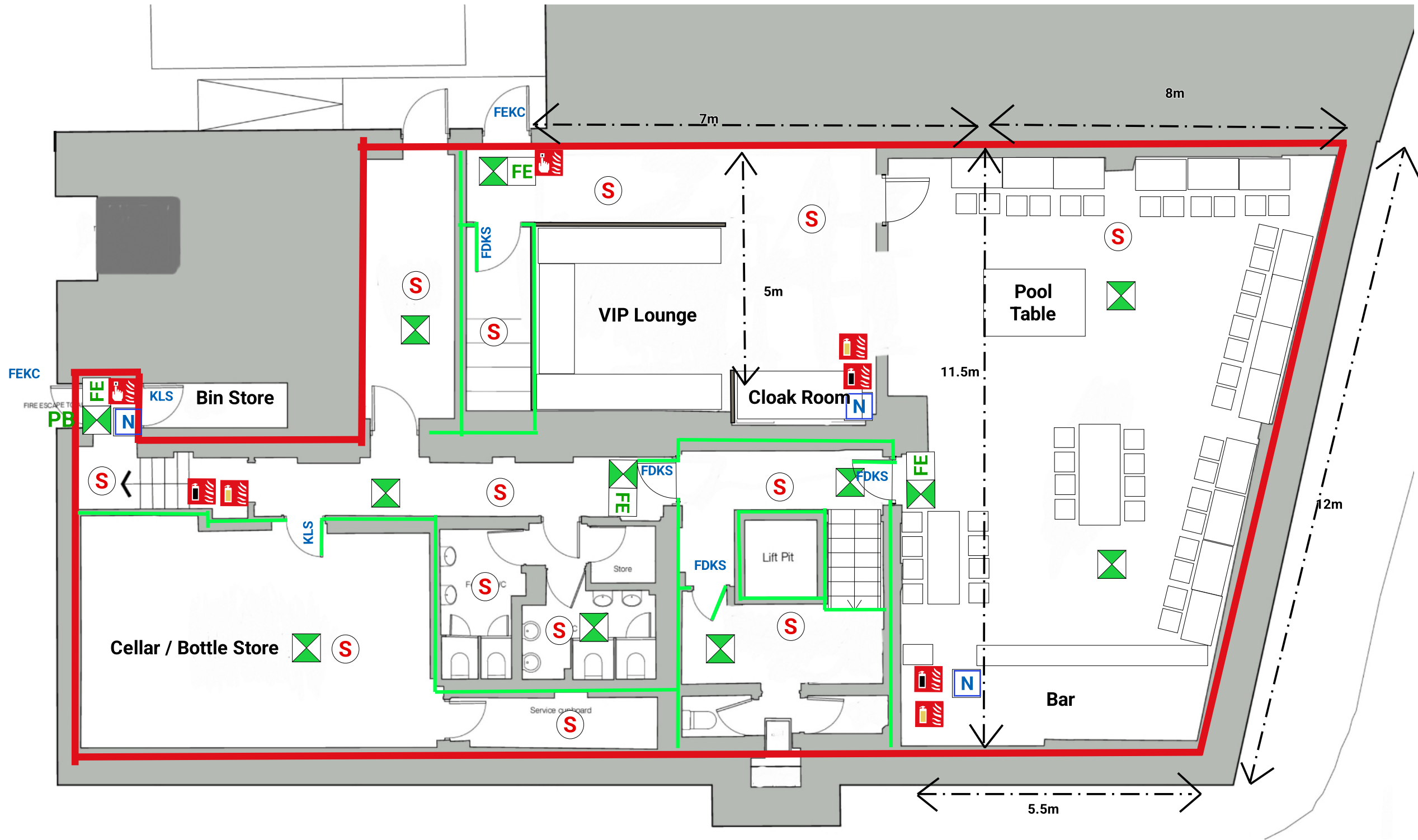
As an alternative to providing a copy of original documents, stated above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

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

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

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













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



Lounge and Bar Area 115m²

Proposed Licensed Area

14 Clifford Street
York

- | | | | | | |
|---|-----------------------------|---|-----------------------|---|--------------------------------|
|  | Carbon Dioxide Extinguisher |  | Smoke Detector |  | Keep Locked Shut Notice |
|  | Foam Extinguisher |  | Manual Alarm Point |  | Fire Exit Keep Clear Notice |
|  | Fire Action Notice |  | Emergency Light |  | Fire Resisting Walls and Doors |
|  | Fire Door Keep Shut Notice |  | Illuminated Exit Sign | | |
|  | Push Bar Notice | | | | |

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Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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Conditions agreed with North Yorkshire Police

In assessing this application, I have considered the licensing objectives and the police would seek the following conditions in addition to those offered in your application to mitigate the risk of Crime and Disorder and Public Nuisance at the premises. Should these conditions not be acceptable to you then North Yorkshire Police would submit a formal representation in respect of this matter.

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 sequential day by day Refusals and Incident Report Register will be kept at the premises. 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]: They will be made available immediately upon a reasonable request from any responsible authority.

4. The premises will be used primarily by holiday guests that have booked into the upper apartments. Non- residential patrons will be required to book with a minimum of three hours advance notice.
5. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
6. 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).
7. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
8. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should 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 in line with all bookings.

PS133 Booth

Force Licensing Manager

Local Policing Support

Tel 101 Ext 30133

Conditions agreed with Public Protection

Environmental Protection Objected to the premises licence application for 14 Clifford Street, York, YO1 9RD on the grounds of the prevention of public nuisance and the protection of children from harm. I have, however, mediated with the applicant and so long as the performance of dance, indoor sporting events and Wrestling and boxing are removed from the licence and the following condition is attached our representation is withdrawn:

Condition

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).

Regards

Michael Golightly
Technical 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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Representations

1.

Kings Staith,

York,

YO1 9SN.

16th April 2024

Dear Licensing Department,

Application for the grant of a licence at 14 Clifford Street

Thank you for giving me the opportunity to look at the application for a new licence at 14 Clifford Street, York, yesterday.

I note, from the applicant's general comments, that the licence is mainly designed to serve the guests in the eleven apartments owned by the applicant, which appear to be accessed through the same door as the proposed licensed premises. I would have no objection to such a licence for the use of apartment dwellers, as this would be similar to the facilities which may be offered by a hotel for the use of its guests.

If, however, the proposed licensed premises were to offer their facilities to the general public (whether or not pre-booking was required) then I would have considerable reservations. Any pre-booking arrangement would need to be better than the "membership" that used to be offered by night clubs as a reason for extended opening hours, if it is to be effective in controlling behaviour.

My concerns centre on the prevention of crime and disorder, public safety and public nuisance. The late night noise from drinkers, once they have left a licensed establishment, constitutes a public nuisance, in my opinion. The frequent nocturnal presence of a Police van in Upper Friargate, right opposite the night club which is next door to the proposed licensed premises, is testament to crime and disorder in the area. Alas, those under the influence of alcohol are sometimes careless of their own safety and the flowers attached to the riverside railings near my house are a sad reminder of that fact. On the topic of public safety, there was no plan of the premises attached to the copy of the application that I saw, so I cannot comment on whether there would be adequate emergency exits from the basement premises. Likewise, is there space for a boxing or wrestling ring?

I understand that the proposed licensed premises are within a “Cumulative Impact” area, in which there is a rebuttable presumption that applications for new premises licences will normally be refused (section 9.9 of the City of York statement of licensing policy, 2022 - 2027). Given the above, I urge the authority to refuse this application.

Yours sincerely,

2.

Good morning,

I am emailing from Riding Lights Theatre Company, who operate Friargate Theatre on Lower Friargate.

We would like to make a representation and lodge an objection to the license for a new premises at 14 Clifford Street.

Due to the proximity of the late night venue with live entertainment being so close to our theatre premises we have concerns over noise issues having a negative impact on our venue, and performances within our theatre. Any excessive noise will be heard within the theatre space and would have a significant impact on the business.

As a residential area there are concerns of another late night venue.

We also raise concerns over the security of the area which we already deal with regular anti-social behaviour including public urination on our building.

Our company works within the local community and regularly hold evening sessions with vulnerable adults and young people in our outreach and engagement projects. Any potential anti-social behaviour would have an impact on our audiences, participants and patrons.

We would expect a full noise assessment be completed prior to the granting of a license and a stipulation on required levels of security staff to operate.

With thanks

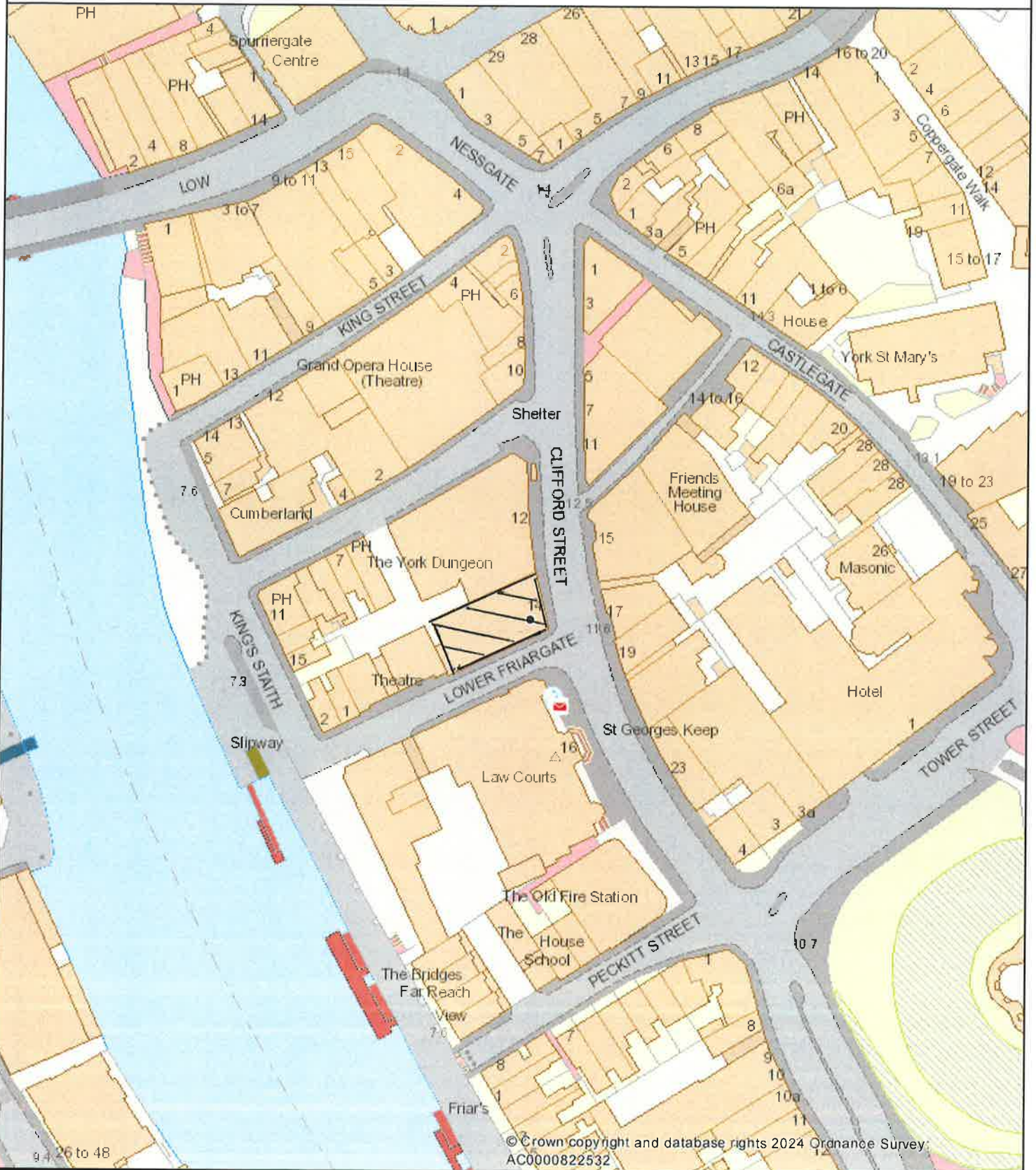
Riding Lights Theatre Company
Friargate Theatre
Lower Friargate
York
YO1 9SL

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Annex 7



CITY OF
YORK
COUNCIL



Date: 19 Apr 2024
Author: City of York Council
Scale: 1:1,250



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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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AGENDA SUPPLEMENT

Licensing/Gambling Hearing

- To:** Councillors Cuthbertson, Smalley and Rose
- Date:** Monday, 13 May 2024 – adjourned to 3 June 2024 and further adjourned to 4 June at 3pm at West Offices
- Time:** 10.00 am
- Venue:** West Offices - Station Rise, York YO1 6GA

The Agenda for the above meeting was published on 2 May 2024. The attached additional documents are now available for the following agenda item:

- 6. The Determination of an Application by Joseph Moore for a Premises Licence (Section 18(3) (a) in respect of 14 Clifford Street, York, YO1 9RD (CYC-077680)**
Additional Information from the Applicant.

This agenda supplement was published on 22 May 2024.

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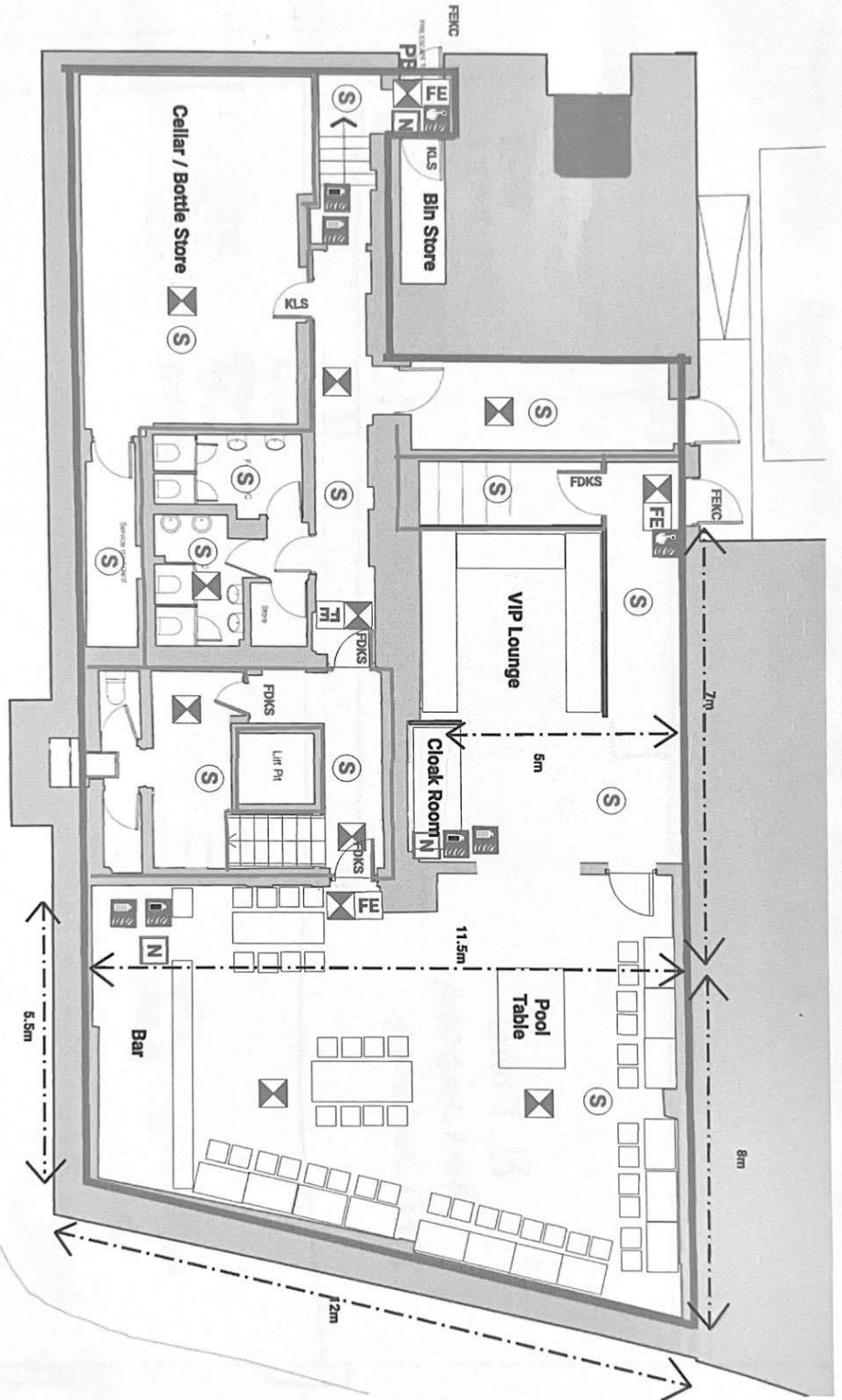
**Licensing Hearing 13 May 2024 - Adjourned to 3 June 2024 and
further adjourned to 4 June 2024 at 3.00pm at West Offices**

14 Clifford St

Additional documents submitted by Applicant

- VIP Lounge plan

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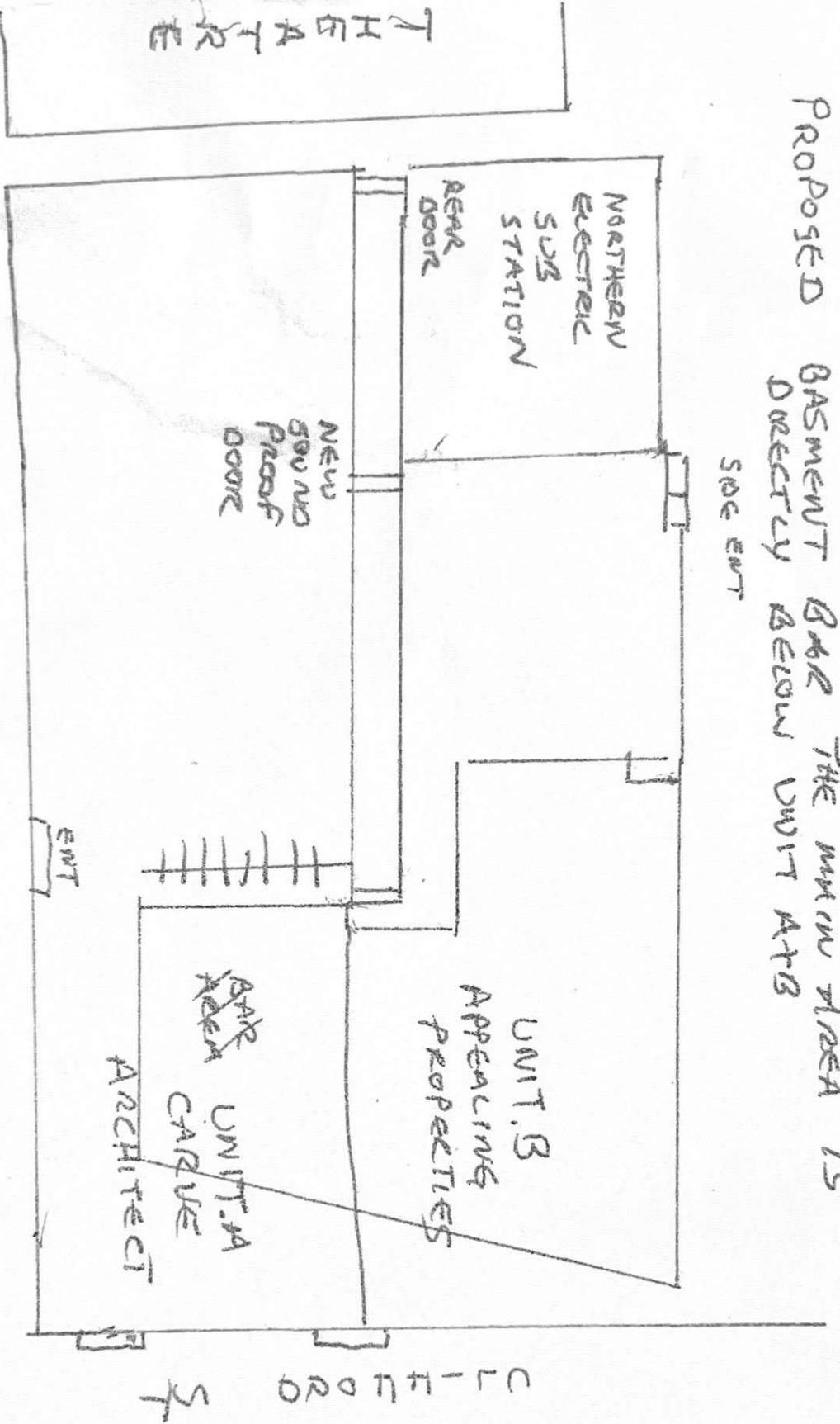
Lounge and Bar Area 115m²

Proposed Licensed Area

**14 Clifford Street
York**

- | | | | | | |
|--|-----------------------------|--|-----------------------|--|--------------------------------|
| | Carbon Dioxide Extinguisher | | Smoke Detector | | Keep Locked Shut Notice |
| | Foam Extinguisher | | Manual Alarm Point | | Fire Exit Keep Clear Notice |
| | Fire Action Notice | | Emergency Light | | Fire Resisting Walls and Doors |
| | Fire Door Keep Shut Notice | | Illuminated Exit Sign | | |
| | Push Bar Notice | | | | |

PROPOSED BASEMENT BAR THE MAIN AREA IS
DIRECTLY BELOW UNIT A+B
SIDE EWT



AGENDA SUPPLEMENT

Licensing/Gambling Hearing

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- Date:** Monday, 13 May 2024 – adjourned to 3 June 2024 and further adjourned to 4 June at 3pm at West Offices
- Time:** 10.00 am
- Venue:** West Offices - Station Rise, York YO1 6GA

The Agenda for the above meeting was published on 2 May 2024. The attached additional documents are now available for the following agenda item:

- 6. The Determination of an Application by Joseph Moore for a Premises Licence (Section 18(3) (a) in respect of 14 Clifford Street, York, YO1 9RD (CYC-077680)**
Additional Information provided by the Licensing Manager

This agenda supplement was published on 22 May 2024.

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**Licensing Hearing 13 May 2024 - Adjourned to 3 June 2024 and
further adjourned to 4 June 2024 at 3.00pm at West Offices**

14 Clifford St

Additional information provided by the Licensing Manager

Please disregard paragraph 15, on page 23 of the hearing report, I can confirm that 14 Clifford Street is located within the cumulative impact assessment area, Section 9 of the Statement of Licensing Policy, which deals with Cumulative Impact is attached.

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9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
 - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.
- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given

to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

Cumulative Impact Area

- 9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
- prevention of crime and disorder
 - prevention of public nuisance
- 9.12 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
 - entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
 - late night refreshment premises – takeaways; and
 - off licence premises – supermarkets and convenience stores.
- 9.13 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.
- 9.14 Amber zones have also been identified in this area, again due to the high concentration of licensed premises, the impact of which has led to a high level of occurrences in relation to crime and disorder related issues. Therefore, unless the

application relates to a food led operation, as details in paragraph 9.15, the Council should refuse all applications within the amber zones where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in these zones. A map showing the amber zones can be found in the assessment.

9.15 Applications for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate, through the operating schedule, that the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial* food being served throughout the duration of the operating hours;
- no vertical drinking, all customers seated at tables;
- set number of table covers;
- table service only, no customers at the bar;
- no drinks promotion, unless they are in line with a food promotion.

*something more substantial than a bag of crisps or a bowl of olives or nuts.

9.16 The Covid 19 pandemic, and government restrictions, have impacted the operation of a number of licensed premises dramatically, with some premises, such as nightclubs and theatres, closing for at least 12 months. Therefore, the evidence base for the cumulative impact assessment does reflect a reduction in crime and disorder related issues during 2020/21, which has made changes to the previously large red zone, providing a smaller red zone areas and introduces an amber zones.

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