
Licensing Act 2003 Sub Committee

28 August 2025

Report from the Director – Environment and Regulatory Services

Section 18(3) (a) Application for a premises licence for 42 Broadway, York, YO10 4JX**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 081644
3. Name of applicant: Brewhemian Hopsody Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a craft beer taproom and bottle shop with rear garden and small area of seating to the front.

Proposed Activity	Timings
Supply of Alcohol On & off the premises	11:00 to 21:30 Sun to Thurs 11:00 to 22:30 Fri & Sat
Opening Hours	11:00 to 22:00 Sun to Thurs 11:00 to 23:00 Fri & Sat

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 craft beer taproom and bottle shop on the ground floor of a detached property. The premises includes a retail area with shelving and fridges and will sell alcoholic and non-alcoholic options for takeaway or consumption on site. There will be seating within the taproom area and a customer toilet. Outside to the rear is a garden area with seating and tables, additionally there will be a small number of seats and tables to the front of the premises. There is no kitchen on site, but light snacks will be available.
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**

At Brewhemian Hopsody, we are committed to promoting the four licensing objectives through responsible and proactive management. We will implement robust age verification procedures to prevent underage sales, maintain a zero-tolerance policy toward disorderly conduct, and provide staff training on responsible alcohol service. Clear signage, regular monitoring and a dispersal policy will help reduce public nuisance, while the premises will be kept safe, clean and well-lit to ensure public safety. We are also dedicated to creating a family respectful environment where children are only permitted when appropriately supervised.

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

- a) The premises shall operate as a retail craft beer shop / bar, not a vertical drinking establishment.
- b) There shall be a minimum of 15 seats provided at all times for customer use inside the premises to negate the need for vertical drinking.

- c) On Sales of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
- d) 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.

12. Public Safety

- a) 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.

- b) A Refusals Register and Incident Report Register will be kept in a sequential day to page diary.

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.

13. The Prevention of Public Nuisance

- a) Prominent 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
- b) No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area as per the premises plan) onto the pavement or highway.
- c) All off sales of alcohol shall be in sealed containers.
- d) A company Noise Risk Assessment and Noise Management Plan have been produced and are available on request to the authorities.
- e) The outdoor garden area will close at 21:00 each day to limit noise disturbance to neighbours.

14. The Protection of Children from Harm

- a) The licence holder will operate a Challenge 25 age verification policy at the premises.
- b) The company will have a policy regarding the times when no under 18's will be allowed on the premises. Under 18's must be accompanied by an adult at all times.

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. The Public Protection Team have mediated with the applicant who has agreed to modify the operating schedule with the addition of an extra condition, that can be seen at **Annex 3**. Therefore, Public Protection have not made any representation to this application.

Summary of Representations made by Other Parties

19. There have been 7 relevant representations received from other persons. 4 of those representors have written in to support the application, with 3 objecting to the application. The list of representors is attached at Annex 4.
20. The representations are based on the grounds of all four licensing objectives. The objectors state that the objectives may be undermined if the application is granted.
21. Copies of all the representations are attached at Annex 5.
22. A map showing the general area around the venue is attached at Annex 6.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

Options

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

- 28. Option 4: Refuse to specify a person on the licence as premises supervisor.
- 29. Option 5: Reject the application.

Analysis

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

Council Plan

- 36. 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.
- 37. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications, the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan 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

38.

- **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

39. 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.
40. 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

41. Members determine the application.

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

Contact Details

Author:

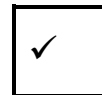
Lesley Cooke
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Chief Officer Responsible for the report:

Dave Atkinson
Director of Environment and Regulatory
Services

**Report
Approved**



Date

23 July 2025

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Fishergate



For further information please contact the author of the report

Background Papers:

Annex 1 - Application form and plan

Annex 2 - Overview of Circumstances in which Entertainment
Activities are not Licensable

Annex 3 - Conditions agreed with Public Protection

Annex 4 - List of representors - **CONFIDENTIAL**

Annex 5 - Representations

Annex 6 - Map

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy