

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Baxter and Ravilious
Date: Monday, 30 September 2024
Time: 10.00 am
Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members 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

To approve and sign the minutes of the Licensing Hearing held on 5 September 2024.

6. The Determination of Section 52(2) Application by Andrew Dickinson for Review of a Premises Licence in respect of Museum Gardens, Museum Street, York, YO1 7FR (CYC-009433) (pages 19-111)

Democratic Services Officer:

Name: Angela Bielby

Contact Details:

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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.

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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)



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REVIEW HEARINGS

Introduction

The procedure adopted at the Licensing Review Hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.

The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially.. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, 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.

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant for the Review, and the Licence Holder(s) are permitted to speak at the hearing. Ward Councillors, Responsible Authorities and Representors who have made written submissions during the consultation period will also be allowed to speak. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

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. **Each party will have 15 minutes to address the Sub-Committee and call any witnesses.**

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, submitted either before the hearing or, with the consent of all other parties, at the hearing.

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 for the Review, the Licence Holder(s) and Members.

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 extend or 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 repeated or made at length. The Applicant for the Review, the Licence Holder(s) and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

The Applicant for the Review or any Representor **may not** introduce any new ground or objection not referred to in the written submission. Amplification of the original representation may be made but any additional or new representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant for the Review, the Licence Holder(s) and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer will outline the application, confirm the application details, introduce the report and give an update on any recent changes.
7. The Chair will invite all present, one by one to ask the Licensing Officer questions if they wish to clarify any points raised in the report.
8. The Chair will invite the Applicant for the Review (or their representative) to address the Sub-Committee and present information in support of the application and call any witnesses to support the application, one witness at a time *[maximum 15 minutes]*.
9. The Chair will invite the Licence Holder(s) and Representors (or their representative) and Sub-Committee in the following order to ask questions of the Applicant for the Review (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties in support of the Review
 - (iv) Interested Parties opposing the Review
 - (v) Licence Holder(s)
 - (vi) Sub-Committee
10. .

11. The Chair will invite the Representors in support of the Applicant's Review (or their representative) in the following order to address the Sub-Committee and call any witnesses to support of their representation *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
12. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors opposing the review to ask questions of each Representor in support of the Review (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
13. The Chair will invite the Committee Members to ask questions of each Representor in support of the Review (or their representative) and/or their witnesses after each presentation.
14. The Chair will invite the Licence Holder(s) (or their representative) to present their case and call any witnesses to support their case *[maximum 15 minutes]*.
15. The Chair will invite the Applicant for the Review and Representors (or their representative) in the following order to ask questions of the Licence Holder(s) (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Applicant for the Review
 - (ii) Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties in support of the Review
 - (v) Interested Parties opposing the Review
16. The Chair will invite the Representors opposing the Review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties

17. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors in support of the review to ask questions of each Representor opposing the Review (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
18. The Chair will invite the Sub-Committee Members to ask questions of each Representor opposing the Review (or their representative) and/or their witnesses after each presentation.
19. The Chair will invite the Applicant for the Review (or their representative) to summarise their case [*maximum 5 minutes*].
20. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties opposing the Review
 - (iv) Interested Parties in support of the Review
21. The Chair will invite the Licence Holder (or their representative) to summarise their case [*maximum 5 minutes*].
22. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.
23. When all the evidence has been heard, the Sub-Committee will withdraw to consider the application. Before withdrawing, the panel will confirm how the decision will be provided (see below).

Procedure after the Hearing

24. If the Sub-Committee wish to seek further clarification from any particular party, the Democracy Officer will recall all parties back into the committee room for the questions to be asked.
25. If possible, and always in the case of a Review of a premises licence following a Closure Order, the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the

Legal Advisor to the Sub-Committee will remain in the room with the Committee Members. 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.

26. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision. This decision will then be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the hearing. There can be no further questions or statements.
27. If the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the decision being made.
28. The notification 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	5 September 2024
Present	Councillors Melly, Cuthbertson, and Knight
Officers in attendance	Helen Sefton – Senior Licensing Officer Sandra Branigan – Senior Lawyer Jodi Ingram – Legal Advisor

19. Chair (10:17am)

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

20. Introductions (10:17am)

Introductions were made.

21. Declarations of Interest (10:18am)

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. None were declared.

22. Exclusion of Press and Public (10:19am)

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.

23. **The Determination of Section 52(2) Application by Lesley Cooke, Licensing Manager for the Licensing Authority, City of York Council for Review of a Premises Licence in respect of Slavic Foods, 47A Crichton Avenue, York, YO30 6EF (CYC-069000) (10:20am)**

Members considered an application by the Licensing Manager, City of York Council, for a Review of Premises Licence for Slavic Foods, 47A Crichton Avenue, York.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective(s) were relevant to this Hearing:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **The Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

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 objective, including:

1. The application and supporting documents.
1. The Senior Licensing Officer's report and her comments made at the Hearing. She outlined the report noting reasons for the application for the review of the licence and the information contained within the annexes to the report. She explained that between December 2023-2024 illegal vape products were sold at the premises, as well as people working without the legal right to work in the UK. She advised that cautions had been provided by North Yorkshire Police in relation to some licence breaches, and that there was an ongoing review by the trading standards team into the sale of tobacco products on the premises. She highlighted that there was a representation received from North Yorkshire Police, as a responsible authority, in Annex 3.

In response to questions from Members it was confirmed that the correct notices for details of the review hearing were served within the correct deadlines to the premises licence holder.

2. The Applicant's representations of Ms. Waudby on behalf of the Applicant at the Hearing.

Ms. Waudby made the following points:

- Multiple licence breaches were found following five separate inspections of the premises.
- Alcohol was on display without trained staff on each inspection.
- Evidence had been gathered on an inspection demonstrating an individual who was working without the right to work in the UK.
- On 22 February 2024 a male was arrested on the premises for not disclosing his identity when asked by the Police, and it was found that he was the same person who was working without right to work in the UK on the property during the previous inspection. On this occasion the male did not know that he had the right to work and so his employer could not have known that he had the right to work in the UK.
- In January 2022 the premises licence was transferred from the original licence holder to the current licence holder, without the Local Authority being notified of a transfer of the licence.
- The Designated Premises Supervisor (DPS) was in attendance at previous inspections when breaches of the licence were witnessed, and the current licence holder has not engaged with this licencing review process.
- On an inspection on 4 December 2023 illicit tobacco and vapes were on sale on the premises. On an inspection on 22 February 2024 illicit vapes were seized on the premises.

In response to questions from the Sub-Committee, Ms Waudby confirmed that:

- The receipt shown in Exhibit SB/1, on page 193 of the agenda, was evidence demonstrating employees working without the right to work in the UK. Working without right to work in the UK was an offence under the Licensing Act.
- There was information on City of York Council's website on transferring a licence to another person, and it was the responsibility of the person taking on the licence for this to be done properly.

5. The representations made by a Responsible Authority.

Police Sergeant (PS) Jacqueline Booth, North Yorkshire Police, stated that the current DPS had become so in December 2023 and was in attendance when alcohol was being sold on the premises. She also advised that the licence holder was requested to submit the relevant documents to the Licensing Authority to confirm their identity.

PS Booth stated that the Police interviewed the DPS under criminal offences contrary to licensable activity, and the statement which was presented was included within Exhibit SB/3, page 196 of the agenda. The DPS received a caution. Further investigation took place, and the Police found that there was no working CCTV, and no staff training records. They were asked to notify the licence holder of these issues.

PS Booth indicated that on 4 December 2023 the licence holder arrived at York Police Station and requested the keys to Slavic Foods as he had bought the premises. Upon a request by the Police to provide proof of identity the licence holder did not return, but upon re-inspection the Police found that the premises was open to the public without the licence holder having accessed the keys from the Police.

PS Booth stated that she believed that the failure to do proper checks on who was working at the premises, failure to comply with official communication, and the sale of illicit tobacco put into question the suitability for the licence holder to comply with the licence conditions.

In response to questions from the Sub-Committee, PS Booth confirmed that:

- The receipt shown in Exhibit SB/1, on page 193 of the agenda demonstrated that the person who made the sale did so without adequate training and was able to sell alcohol without the licence holder being present.
- Unsolicited tobacco and vapes were seized in December 2023, and liaison took place with trading standards officers to prosecute in response to licensable activity offences. E-cigarettes were still found on a subsequent visit.

On behalf of the Applicant, Ms Waudby was then given the opportunity to sum-up. Ms Waudby concluded that there had been multiple failures by the licence holder to comply with the conditions of their licence, and that the licence holder had not engaged with the process and no assurances had been made to suggest that the nature of the premises would be improved.

PS Booth was then given the opportunity to sum-up and concluded that North Yorkshire Police supported the application to revoke the licence. The prevention of crime and disorder licensing objective was being seriously undermined and the Police had no confidence that the licence holder or the DPS would adhere to the licence conditions or promote the licensing objectives.

Having regard to the application and the relevant representations, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 52(4) that it considered necessary for the promotion of the licensing objectives. Taking into consideration the above evidence and submissions received, the Sub-Committee deliberated the different options available to them and agreed to reject the following options:

Option 1: To modify the conditions of the licence (i.e., to alter, omit or add any new condition).

Option 2: To exclude a licensable activity from the scope of the licence.

Option 3: To remove the Designated Premises Supervisor.

Option 4: To suspend the licence for a period not exceeding three months.

The Sub-Committee noted that it also had the option to decide that no action is appropriate in order to promote the licensing objectives. The Sub-Committee agreed to reject this option.

The Sub-Committee's decision was to accept the following option:

Option 5: To revoke the licence.

Having heard the application for a review of the premises licence at Slavic Foods, the Sub-Committee resolved to revoke the licence for the premises (Option 5) on the grounds that the premises is not upholding the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

Reasons

1. In reaching its decision, the Sub-Committee gave due consideration to:
 - The promotion of the licensing objectives as set out in the Licensing Act 2003, in particular the prevention of crime and disorder and public safety.
 - The Council's Statement of Licensing Policy.
 - The Home Office Guidance issued under section 182 of the Licensing Act 2003.
 - The Licensing Sub-Committee agenda pack for the application.
 - The oral representations made during the hearing.
2. The Sub- Committee considered the following parts of the section 182 Guidance:

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
- Exclude a licensable activity from the scope of the licence,
- Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- Suspend the licence for a period not exceeding three months.
- Revoke the licence.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime.
- For the sale and distribution of illegal firearms.
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected.

- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.
- For prostitution or the sale of unlawful pornography.
- By organised groups of paedophiles to groom children.
- As the base for the organisation of criminal activity, particularly by gangs.
- For the organisation of racist activity or the promotion of racist attacks.
- For employing a person who is disqualified from that work by reason of their immigration status in the UK.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

3. The Sub-Committee received evidence of multiple breaches of the licence conditions on multiple occasions over a 9-month period. Breaches included CCTV not recording, lack of training records and lack of refusals process. The Sub-Committee considered that the persistent and significant breaches of the premises licence undermine the licensing objectives.
3. The Sub-Committee noted that there was evidence of an individual working in the premises without the right to work in the UK. The Sub-Committee viewed the employment of an illegal worker as a serious matter which would clearly undermine the licensing objective of prevention of crime and disorder. An incident involving the employment of an illegal worker on licensed premises would normally result in revocation of the premises licence.

4. The Sub-Committee received evidence that illicit vapes and tobacco have been seized from the premises. It considered that this undermines the licensing objectives, in particular prevention of crime and disorder and public safety.
5. The Sub-Committee noted that the DPS had been present at the time of breaches of the licence and had accepted a caution in respect of the breaches identified on 22 February 2024. The same DPS was present when the Police again identified licence breaches on 8 August 2024. Given those failings the Licensing Authority and the Police have no confidence in the DPS to manage the premises to ensure that the licence conditions are adhered to, and the licensing objectives are upheld.
7. The Sub-Committee put weight on the fact that despite a stepped approach by the Police to give the management of the premises an opportunity to reform and comply with licence conditions, there had been no engagement with the Responsible Authorities by the premises licence holder.
8. The Sub-Committee considered all the options open to them and noted that whilst the Sub-Committee had to consider what appropriate steps to take on review, such steps taken must also be proportionate. It recognised that a request for revocation of a licence was a major and severe step that had to be treated seriously and would be likely to harm the business and its employees, and that they had to consider whether there were alternative measures such as imposing conditions or adopting another sanction using its powers available to it under section 52 (4) of the Licensing Act 2003.
9. They noted that the premises licence holder and the DPS had failed to comply with licensing conditions over a lengthy period. They felt that given the repeated failings at the premises (including significant breaches of conditions, the seizure of illicit vapes and tobacco and the presence of an illegal worker) the premises suffers from either a lack of regard or poor management control and they had no faith in the premises licence holder or the DPS to operate the premises in a responsible manner so as to uphold and promote the four licensing objectives in the future, and

particularly prevention of crime and disorder and public safety. The Sub-Committee had received no assurances from the licence holder that he has the ability to appropriately control and manage the premises licence as he has not engaged with the review process.

10. Due to the gravity of the situation and taking into particular account the promotion of the crime prevention objective, including acting as a deterrent, the Sub-Committee believed that other sanctions including the imposition of further or amended conditions or a suspension of the licence would be ineffective in the promotion of the licensing objectives.
11. Accordingly it was determined that the premises licence should be revoked.

Cllr Cuthbertson, Chair

[The meeting started at 10.17 am and finished at 11.15 am].



Meeting of Licensing Act 2003 Sub-Committee

30 September 2024

Report from the Director for the Environment, Transport and Planning

Section 52(2) Review of Premises Licence CYC/009433 Museum Gardens, Museum Street, York YO1 7RF

Summary

1. This report seeks Members determination of an application for a review of a premises licence which has been made under the Licensing Act 2003 in respect of Museum Gardens, Museum Street, York YO1 7RF, Premises Licence Number CYC 009433.
2. Name of applicant: Andrew Dickinson
3. Summary of Review: The application to review the premises licence relates to the following licensing objective:
 - The prevention of public nuisance
4. A copy of the application for review is attached at Annex 1 and is briefly summarised as follows:

A music event took place in the Museum Gardens on 19 and 20 July 2024, the applicant for the review raised complaints regarding the noise from these events. As the premises is an open space within the centre of York it is surrounded by a large number of residential properties therefore several thousand residents were affected by this event which finished at 22.30.

Outdoor events with limited opportunity to suppress/control noise should not be allowed to take place so close to residential properties.

Noise limits should be imposed and enforced to avoid causing a nuisance to residents.

The applicant requests the imposition of a further condition on the licence to prevent a re-occurrence of the noise nuisance experienced during this event.

5. A copy of the current premises licence and plan is attached at Annex 2. The premises licence currently authorises the following:

Licensable Activity	Current Days & Hours
Plays – indoors and outdoors	09:00 to 22:30 everyday
Films – indoors and outdoors	09:00 to 22:30 everyday
Live Music – indoors and outdoors	09:00 to 22:30 everyday
Recorded Music – indoors and outdoors	09:00 to 22:30 everyday
Performance of Dance – indoors and outdoors	09:00 to 22:30 everyday
Late Night Refreshment – indoors and outdoors	23:00 to Midnight for the duration of the York Mystery Plays and Illuminating York ONLY
Supply of alcohol (on the premises)	11:00 to 22:45 Everyday
Opening Hours	07:00 to 23:00 everyday 09:00 to Midnight for the duration of the York Mystery Plays and Illuminating York ONLY

6. The premises licence was first granted on 27 September 2005

Consultation

7. Consultation was carried out by the Applicant and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of a review by licensing authority. Copies of the application were served on all responsible authorities and the premises licence holder. Notice of the application was displayed in the vicinity of the premises, on the exterior noticeboard at West Offices and on the Council's website.
8. A representation was received from the Environmental Protection Officer at the City of York Council; it appears at Annex 3.
9. There were a further 24 representations received from 'other persons' this includes a representation from the Premises Licence Holder.

2 of those representors wrote in to support the review applicant and 22 wrote to support the premises licence holder.
10. A list of representors appears at Annex 4, and a copy of the representations appears at Annex 5.
11. A map showing the location of the premises is attached at Annex 6. A further map showing the premises in relation to the applicant's address is also included.

Other Relevant Information

12. The premises licence was first granted by the Licensing Authority in September 2005; it previously held a Public Entertainment Licence (PEL) which was converted to a Premises Licence when the Licensing Act 2003 came into force in 2005. In 2012 the premises licence holder varied the licence to add the sale of alcohol.

Options

13. By virtue of S52(4) of the Act, the Sub-Committee may in making their decision take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

14. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
15. Option 2: To exclude a licensable activity from the scope of the licence.
16. Option 3: To remove the Designated Premises Supervisor.
17. Option 4: To suspend the licence for a period not exceeding three months.
18. Option 5: To revoke the licence.
19. Option 6: Take no action

Where the Sub-Committee takes a step mentioned in Option 1 or Option 2, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Otherwise, the modification of conditions or the exclusion of a licensable activity will be permanent.

In deciding which, if any, of these steps to take, the Sub-Committee should direct its mind to the cause or causes of the concerns which the application and representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

The Sub-Committee may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

Analysis

20. The following could be the result of any decision made by this Sub-Committee:
21. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.

22. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
23. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
24. Option 4: This decision could be appealed by the premises licence holder, the review applicant or any of the representors.
25. Option 5: This decision could be appealed by the premises licence holder.
26. Option 6: This decision could be appealed by the review applicant or any of the representors.

The decision of the Sub-Committee will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

27. Members are reminded that they may only use their discretion to take remedial action in relation to matters that are raised by this review and are relevant to the promotion of the licensing objectives.

Council Priorities

28. The Licensing Act 2003 has 4 objectives; the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
29. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications for review the Council are supporting the 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

30.

- **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** – The decision made by this Sub Committee is subject to appeal rights to the Magistrates Court.
- **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

31. 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 which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.

32. 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

33. Members determine the application.

Reason: To address the application for review received as required by the Licensing Act 2003.

Contact Details

Author:

Helen Sefton
Senior Licensing Officer
Ext 1526

Chief Officer Responsible for the report:

Director of Environment, Transport
and Planning
James Gilchrist

**Report
Approved**



Date 06.09.2024

Wards Affected: Guildhall Ward

Annexes

- Annex 1 - Copy of application for review of premises licence
- Annex 2 - Copy of premises licence, including layout plan
- Annex 3 - Representation from Environmental Protection
- Annex 4 - List of other persons/representors
- Annex 5 - Representations
- Annex 6 - Map showing location of premises
- Annex 7 - Legislation and Policy Considerations



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

Application for a review of a premises licence or club premises certificate 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.....**Andrew Dickinson** (insert name(s) of applicant) **apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

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

York Museum Gardens, Museum Gardens, York,

Post town: York

Post code: YO1 7FR

Name of premises licence holder or club holding club premises certificate (if known)

York Museums Trust
St Mary's Lodge
Marygate
York
YO30 6DR

CYC 009433

Number of premises licence or club premises certificate (if known)

Not Known

Part 2 – Applicant details

- | I am | Please tick ✓ yes |
|---|-------------------------------------|
| 1 An interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) A person living in the vicinity of the premises | <input checked="" type="checkbox"/> |
| b) A body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) A person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) A body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 A responsible authority (please complete (C) below) | <input type="checkbox"/> |

3 A member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev) <input type="checkbox"/>
Surname	First names			
Dickinson	Andrew			

Please tick Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name	N/A
Address	N/A
Telephone number (if any)	N/A
E-mail (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	N/A
Address:	N/A
Telephone number	
E-mail (optional)	

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | | |
|----|--------------------------------------|-----|--------------------------|
| 1. | the prevention of crime and disorder | | <input type="checkbox"/> |
| 2. | public safety | | <input type="checkbox"/> |
| 3. | the prevention of public nuisance | yes | <input type="checkbox"/> |
| 4. | the protection of children from harm | | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

A music event took place at Museum gardens on Friday the 19th and Saturday 20th of July.

I raised a complaint re the noise to both events due to noise nuisance that started at approximately 15.00 on the Friday afternoon.

Museum gardens is in the centre of York with is surrounded by a large number of residential properties, the amenity of many thousands of residents would have been affected by this event which did not finish until after 22.30 in the evening.

An outdoor music event, which offers limited opportunity for noise suppression/control, should not be allowed to take place in such close proximity to residential properties.

I was advised by York council environmental health that the event exceeded the permitted noise threshold by 2dB however, they advised that such an increase would not be noticeable.

If such events are allowed to continue then suitable noise limits should be imposed (and policed) to avoid causing a nuisance to residents in the surrounding areas. Clearly the thresholds that were agreed were too high and not adhered to.

The centre of York, or anywhere close to large numbers of residential properties, is not a suitable location for loud outdoor music events.

I respectfully request that a condition is imposed on the premises referenced to prevent a re-occurrence of this.

Please provide as much information as possible to support the application (please read guidance note 2)

As mentioned above the event caused a nuisance to myself any many other properties nearby.

Have you made an application for review relating to this premises before? Please tick ✓ yes
No #

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓

- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date4th August 2024.....

CapacityResident

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)

As part 2.

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)

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



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number CYC - 009433

Postal address of premises:

Museum Gardens
Museum Street

Post town: York

Post code: **YO1 7FR**

Telephone number: 01904 687687

Expiry date: This licence has no expiry date.**Licensable activities authorised by the licence:**

Plays
Films
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

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

PLAYS

Indoors and Outdoors

Monday
09:00-22:30

Tuesday
09:00-22:30

Wednesday
09:00-22:30

Thursday
09:00-22:30

Friday
09:00-22:30

Saturday
09:00-22:30

Sunday
09:00-22:30

FILMS

Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

LIVE MUSIC
Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

RECORDED MUSIC
Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

PERFORMANCES OF DANCE
Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

LATE NIGHT REFRESHMENT
Indoors and Outdoors

For the duration of the York Mystery Plays and Illuminating York only 23:00 until 00:00.

SUPPLY OF ALCOHOL

Monday 11:00-22:45	Tuesday 11:00-22:45	Wednesday 11:00-22:45	Thursday 11:00-22:45
Friday 11:00-22:45	Saturday 11:00-22:45	Sunday 11:00-22:45	

The Opening Hours of the Premises

Monday 07:00-23:00	Tuesday 07:00-23:00	Wednesday 07:00-23:00	Thursday 07:00-23:00
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Friday
07:00-23:00

Saturday
07:00-23:00

Sunday
07:00-23:00

For the duration of the York Mystery Plays and Illuminating York only 09:00 until 00:00

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

On the premises

Part 2

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

Name: York Museums Trust

Address: St Marys Lodge
Marygate
York
YO30 7DR

Telephone number: 01904 687687

Email address: richard.saward@ymt.org.uk

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

Name: Mr Richard Saward

Address: [REDACTED]

Telephone number: None

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

Wakefield MDC
PA 2747

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence –
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: EXHIBITION OF FILMS

(1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. This licence excludes 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.

Prevention of Crime & Disorder

2. A draft of the Event Management Plan (EMP) will be produced 2 months prior to an event and will be submitted to the Licensing Authority and all the members of the Safety Advisory Group (SAG). This shall include a noise management plan and dispersal policy. Following consultation with the SAG, the Licensing Authority shall notify the premises licence holder in writing that the draft EMP is acceptable or unacceptable before the event takes place. An event shall not take place until the draft Event Management Plan has been agreed by the Licensing Authority in consultation with the SAG. Once agreed no change shall be made to the draft EMP without the agreement of the Licensing Authority or Police.

3. The Premises Licence Holder shall give at least 28 days written notification of ANY event that involves the retail sale of alcohol to North Yorkshire Police and the Licensing Authority. For the purpose of clarity the 28 days notification shall not include the first day of the event or the date of notification.

4. The venue shall partake in the York radio scheme.

5. 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.

This training shall be refreshed every 12 months as a minimum.

Public Nuisance

6. Prominent signage will be displayed asking customers to leave the area quietly.

7. A litter pickup and waste removal from the site will not be undertaken until the morning after an event takes place.

8. Live and recorded music and performance of dance which meets the definition of Regulated Entertainment within the licensing Act 2003, shall only be permissible on a maximum of 6 days per calendar year.

9. A documented noise management plan shall be submitted to and approved by the Environmental Protection team of City of York Council within 1 month of the licence being granted. The noise management plan shall include a procedure for investigating noise complaints about the premises. Once agreed the premises Manager shall ensure compliance with all aspects of the approved noise management plan.

Protection of Children from Harm

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

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

11. 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).

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

No hearing held

Annex 4 – Approved Plan - Plan Number Dated 17 Sep 2012



For and on behalf of
The Director of
Environment, Transport and Planning

Date: 27 September 2005
5 August 2024 (DPS Variation)

Licensing Services
Hazel Court Eco Depot
James Street, York
YO10 3DS

Phone: 01904 552422
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

PREMISES LICENCE SUMMARY

Part B

Premises licence number CYC - 009433

Part 1 Premises details

Postal address of premises:

**Museum Gardens
Museum Street**

Post town: **York**

Post code: **YO1 7FR**

Telephone number: 01904 687687

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Plays
Films
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

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

PLAYS

Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

FILMS

Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

LIVE MUSIC
Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

RECORDED MUSIC
Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

PERFORMANCES OF DANCE
Indoors and Outdoors

Monday 09:00-22:30	Tuesday 09:00-22:30	Wednesday 09:00-22:30	Thursday 09:00-22:30
Friday 09:00-22:30	Saturday 09:00-22:30	Sunday 09:00-22:30	

LATE NIGHT REFRESHMENT
Indoors and Outdoors

For the duration of the York Mystery Plays and Illuminating York only 23:00 until 00:00.

SUPPLY OF ALCOHOL

Monday 11:00-22:45	Tuesday 11:00-22:45	Wednesday 11:00-22:45	Thursday 11:00-22:45
Friday 11:00-22:45	Saturday 11:00-22:45	Sunday 11:00-22:45	

The Opening Hours of the Premises

Monday 07:00-23:00	Tuesday 07:00-23:00	Wednesday 07:00-23:00	Thursday 07:00-23:00
Friday 07:00-23:00	Saturday 07:00-23:00	Sunday 07:00-23:00	

For the duration of the York Mystery Plays and Illuminating York only 09:00 until 00:00

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

On the premises

Name and (registered) address of holder of premises licence:

Name: York Museums Trust

Address: St Marys Lodge
Marygate
York
YO30 7DR

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

Richard Saward

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

In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

A challenge 25 ploicy will be in operation

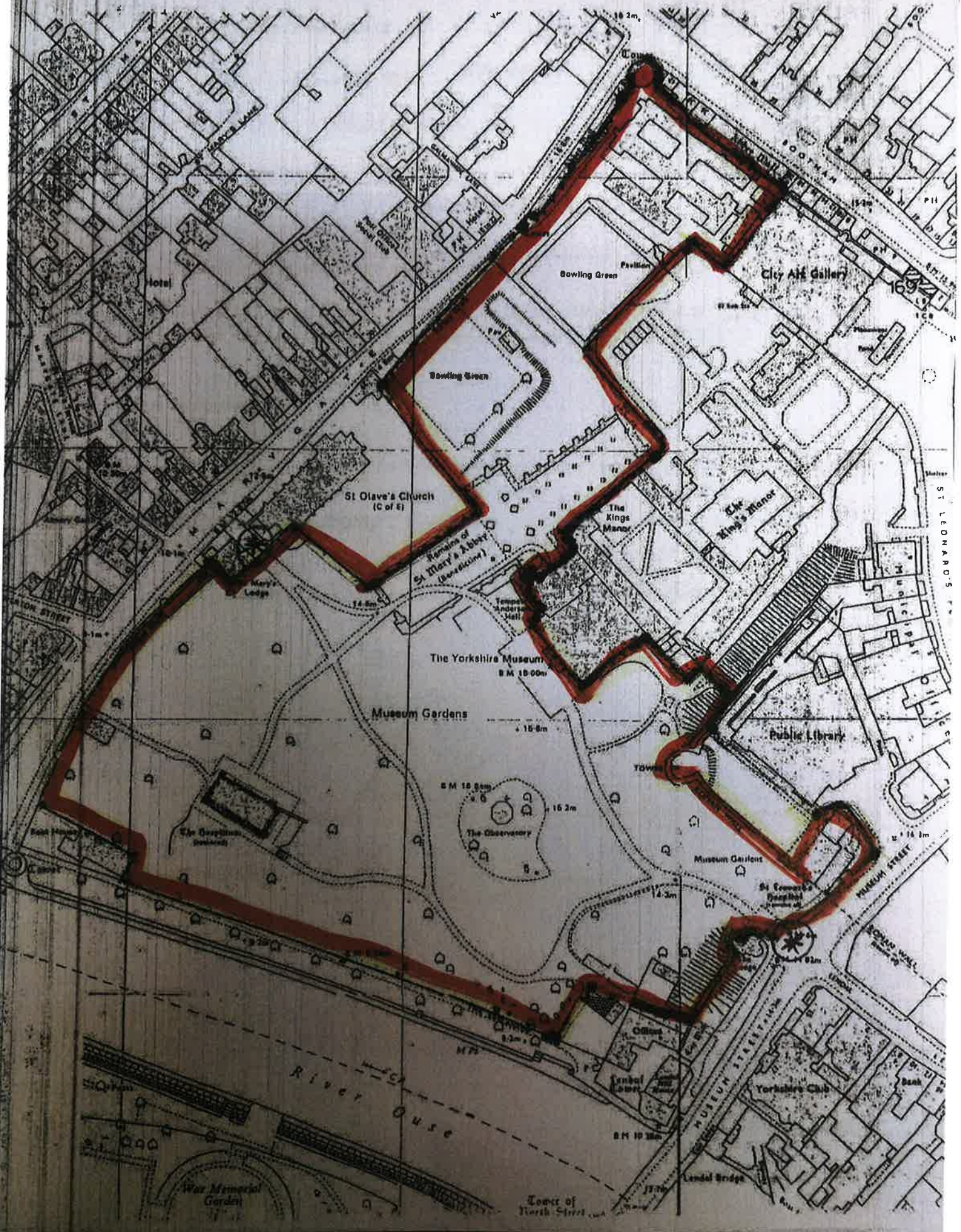


For and on behalf of
The Director of
Environment, Transport and Planning

Date: 27 September 2005
5 August 2024 (DPS Variation)

Licensing Services
Hazel Court Eco Depot
James Street, York
YO10 3DS

Phone: 01904 552422
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



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Annex 3 – Representation from Environmental Protection

We make this representation in relation to the premises licence review for the Museum Gardens, Museum Street, York, YO1 7DJ.

Museum Gardens have been granted a premises licence which includes the ability to have events which meet the definition of regulated entertainment such as outdoor live and recorded music events.

In order to help manage noise from the site a noise management plan has been submitted with the licence. The noise management plan limits the number of larger outdoor events to 6 per year. It also restricts these events so that 3 can operate at 65db (A) LAeq over a 15 minute period and the other 3 events must operate at a more stringent 15dB (A) LAeq above background over a 15 minute period.

The plan includes monitoring of events and the controlling of noise levels during events, as well as a review post event to see what, if necessary, can be improved upon.

This was the first event to take place at the site and the applicants' noise monitors and sound engineers undertook monitoring and when levels were exceeding or approaching the noise limits relayed this back immediately to the sound engineer to reduce the noise levels of the event.

4 locations were monitored around the site, together with roaming monitoring around the site and the event was broadly compliant with the noise limits imposed. Whilst the noise limits were upon occasion exceeded at two locations around the site, these exceedances were only marginal and did not meet the threshold whereby they would be considered to be a breach of the licence conditions.

This is because the human ear cannot perceive an increase of noise of less than 3dB (A). This would mean that we would consider enforcement action when the noise exceeded 68dB (A) and this level was not exceeded during the events and only reached on one occasion when 68dB (A) was recorded for one 15 minute period; thereafter the noise levels were reduced back down to below 65dB(A) for the rest of the event.

There were only 4 complaints received and when they were received, monitoring was undertaken outside the complainant's properties and the levels observed were well below the noise limit threshold. For example 45 dB(A) was observed at one location and assuming a 15dB (A) reduction in sound due to an open window, which is a standard acoustic assumption, noise levels inside the complainant's property would have been 30dB(A) which would be below the acceptable noise limits that should be met for habitable rooms at that time of day within dwellings as defined in the World Health Organisation's guidance on community noise levels and in the BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" standard.

Environmental Protection, therefore, believe that the conditions on the premises licence are robust, achievable and enforceable and are adequate for controlling noise from the events.

However, should the committee members be minded to add any conditions to the premises licence, they may wish to consider the following:

1. A tamper proof noise limiting device shall be fitted to the sound system at front of house during events. This noise limiting device shall be approved by City of York Council's Environmental Protection team before use. The device shall not be altered or modified without prior approval from City of York Council's Environmental Protection team.

Regards

Michael Golightly
Technical Officer

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Sefton, Helen

From: [REDACTED]
Sent: 09 August 2024 10:53
To: licensing@york.gov.uk
Subject: Prevention of Public Nuisance - ~Museum Gardens

Categories: Orange Category

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

To Whom it may concern

I am shocked, and as a York resident ashamed, to have seen the license review order regarding 'The Prevention of Public Nuisance' in relation to what I can only assume are the recent events at York Museum Gardens. These events created a buzz around York that I have never witnessed before and I can't even imagine the boost it will have created for the local economy with pubs, restaurants and hotels full for the entire weekend and taxi drivers telling me it was one of their best weekends of the year. As far as I am aware there were no incidents of anti social behaviour, so for this to be cited as a public nuisance sounds ridiculous. I can only assume it is the same sort of complaints that out of towners buying posh apartments in the city centre make, complaining about a little bit of noise from a pub that has stood there for 300+ years.

If York council are seriously looking at banning events based on a couple of idiots complaining about noise on 2 or 3 nights of the year I am lost for words and if my 77 year old mum is no longer able to attend the proms thing there will be full on boomer hell to pay. Please give your silly little heads a shake.

I look forward to this seeing the coverage of this in the local press and seeing the backlash it will receive

Kind Regards

[REDACTED]
Woodside Avenue
York
YO31 0QS

P.S. I will not be paying for my green bin collections either.....

Sefton, Helen

From: [redacted]
Sent: 09 August 2024 11:15
To: licensing@york.gov.uk
Subject: Re: York Museum Gardens

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

Hi Helen,

Yes of course, it is:

Heslin Close
Haxby
York
YO32 3GB

Many thanks,

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: 09 August 2024 11:03
To: [redacted]
Subject: RE: York Museum Gardens

Dear [redacted]

Thank you for your representation, for it be accepted please can you supply your address.

Kind regards

Helen Sefton | Senior Licensing Officer

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Hazel Court Eco Depot, James Street, York, YO10 3DS

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Working together, to improve and make a difference

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From: [redacted]
Sent: Friday, August 9, 2024 10:51 AM
To: licensing@york.gov.uk
Subject: York Museum Gardens

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

Hi,

I am writing to express my deep concern at the fact that York Museum Gardens is having it's license reviewed following the hugely successful Live at York Musuem Gardens event that was held in July. It was

an absolutely fabulous weekend of live music that really celebrated the city's cultural and musical heritage, boosted the local economy and crucially brought together the community by giving York residents something to enjoy for themselves - a point that is particularly relevant when the collective local opinion is often that the city is too focused on catering for tourists and forgets the residents (I don't personally agree with this summation but know that is a feeling that is strongly felt by many in the city).

I attended the shows at YMG and thought it was fantastically run and organised and any hiccups identified on the first night were swiftly dealt with and sorted by the second. I felt safe throughout and absolutely loved being able to experience the beautiful museum gardens in a new way with enthusiastic music fans. I hope that we are lucky enough to have many more events like this catering for a diverse range of music fans in the gardens in years to come.

I really hope that the enjoyment of thousands of people (at events like this and others such as the proms - which as a side note I am led to believe also had fireworks) is not curtailed by a small number of residents who are unable to deal with the fact that occasionally there is live music playing nearby their city centre home.

Kind regards,

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Sefton, Helen

From:
Sent: 09 August 2024 11:37
To: licensing@york.gov.uk
Subject: Re: York Museum Gardens

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

Hello

My business address is

Gillygate
York
YO31 7EA

My home address is

Newborough Street
York
YO30 7AT

Thanks again

Sent from my iPhone

> On 9 Aug 2024, at 11:01, licensing@york.gov.uk wrote:

>

> Dear Mr !

>

> Thank you for your representation, for it be accepted please can you supply your address.

>

> Kind regards

>

> Helen Sefton| Senior Licensing Officer

> t: 01904 552422 | e: licensing@york.gov.uk

>

> City of York Council | Public Protection Hazel Court Eco Depot, James Street, York, YO10 3DS www.york.gov.uk | facebook.com/cityofyork

> |@CityofYork

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> Public Protection Privacy Policy on our website, www.york.gov.uk

>

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>

> -----Original Message-----

> From:

> Sent: Friday, August 9, 2024 10:59 AM

> To: licensing@york.gov.uk

> Subject: York Museum Gardens

>

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

>

> To whom it may concern,

>

> I am writing in regards to the licensing review for York Museum Gardens.

>

> I for one was staggered how much of a buzz this event brought to the city. Both
with locals and people travelling to the events.

>

> Not to mention the increase in revenue for the city which is always greatly
received.

>

> In terms of the events themselves I thought these were very organised and upon
visiting the gardens during the days after the events I was encouraged by the
tidiness after the clean up ready for daytime visitors who could still enjoy the
gardens despite the event staging etc.

>

> I for one would love to see these events continue for years to come. Bringing with
them a diversity the city needs to continue to be on the cultural map and keep us
thriving.

>

> Kind regards

>

>

>

Sefton, Helen

From: [REDACTED]
Sent: 09 August 2024 11:53
To: licensing@york.gov.uk
Subject: Support for York Museum Gardens license review

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

Dear Sir/Madam,

I am writing in response to the recent review of the alcohol license for Museum Gardens in York, which I assume is in connection with the fantastic weekend of events on 18th to 21st July 2024 featuring the band Shed Seven. I would like to express my strong support for this license and for the continuation of similar events in the future.

The event in question was a tremendous success for the city. There was no trouble reported, and it provided an excellent opportunity for the people of York to come together and celebrate in a safe and enjoyable environment. Events like these are much needed in our community, they bring vibrancy to the city, support local businesses, and enhance York's reputation as a lively and cultural destination.

It is disheartening to hear that there may be complaints regarding this event. Anyone who is opposed to such positive and well-organised events should frankly be ashamed of themselves. Instead of hindering these initiatives, we should be encouraging more of them, as they greatly contribute to the well-being of our city and its residents.

I am particularly concerned about the actions of the environmental officers who seems to be going out of their way to prevent future events. This behavior is not only detrimental to the cultural fabric of York but also sets a dangerous precedent for the suppression of community activities. I strongly believe that this officer should be disciplined for such conduct, which appears to be motivated by an unjustified desire to impose restrictions that are neither necessary nor in the public interest.

Finally, I would also hope that similar scrutiny is applied to York racecourse when they hold music events. It is only fair that all venues are held to the same standards, and I trust that any review of the racecourse's activities would be conducted with the same level of diligence.

In conclusion, I urge you to support the continuation of events at York Museum Gardens, recognising their value to our city and rejecting any attempts to unjustly limit such positive initiatives.

I would be happy to speak to anyone at City of York council regarding this matter.
Please find my contact details below.

Thank you for your attention to this matter.

Yours sincerely,

A resident of York for 49 years
Osbalwick Lane
York
YO10 3AY
|-----



Sefton, Helen

From:
Sent: 09 August 2024 12:58
To: licensing@york.gov.uk
Subject: Museum Gardens

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

Good afternoon

I just wanted to send a quick email to congratulate York City Council on the Museum Gardens events.

York needs events such as this, and putting one together on the scale and magnitude that it was on the 19th-21st July is no mean feat I am sure. Everyone who was there thoroughly enjoyed it with many saying that they stayed in York making a full weekend out of it and discovering our beautiful city also, so that in itself is a good thing.

I know that there may be a small element of residents who may have been ever so slightly inconvenienced but I sincerely hope that they will realise that one weekend on the large scale of things is not too big an inconvenience especially when they consider the additional revenue that events such as these bring to the city. (Revenue which in the current climate is so desperately needed)

Everyone working on the show were so professional in all aspects such as safety, control and management and this shone through. The entire team were quite simply superb.

York has recently become a haven for stag and hen parties and is now known for its rowdy and very badly behaved race goers, with many that I know now steering well clear of any form of hospitality within the city walls and instead venturing to other cities for entertainment. This last weekend showed everyone a different side to York - one which always shone through in yesteryear but has been sincerely lacking of for the last 10 years or so. Long may this side of York and its incredible sights, features and hospitality be championed with events such as this taking pride of place in the annual calendar.

So, thank you for bringing this event to York and I sincerely hope that the event is allowed to be replicated in future for many years to come by the licence for the Museum Gardens to be granted again following the review. We are desperate for it!

Kindest Regards

Main Street, North Duffield, Selby, YO8 5RQ

Sefton, Helen

From: [redacted]
Sent: 09 August 2024 14:10
To: licensing@york.gov.uk
Subject: Re: Museum Gardens

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

Thank you for your email.

My address has now been added - see below.

Please note I live in Selby but only live there because I was priced out of the market! Born and bred in York and class York as my home city

Thank you

On 9 Aug 2024, at 14:06, licensing@york.gov.uk wrote:

Dear [redacted]

Thank you for your representation, I am however unable to accept it without your full address.

Kind regards

Helen Sefton | Senior Licensing Officer

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Hazel Court Eco Depot, James Street, York, YO10 3DS

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<image001.png>

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From

Sent: Friday, August 9, 2024 12:53 PM

To: licensing@york.gov.uk

Subject: Museum Gardens

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

Dear Sirs

I write to express my complete dismay, disappointment and shock at the publication of the notice recently published to review the licence held at the Museum Gardens based on "The Prevention of Public Nuisance".

I am aware that this had been instigated following the live music events of 19th-21st July. Three nights that to my knowledge created no public nuisance incidents of any kind.

That the council are even considering this review is disgraceful. York Races attracts large crowds that regularly create public nuisance, it attracts stag and hen parties which are damaging to the reputation of the city yet the council do nothing to discourage them yet when it comes to other forms of entertainment and hospitality it fights tooth and nail against such events happening. Why?

The Museum Gardens traditionally hosts the Mystery Plays and recently The Proms - why therefore should live music events such as the ones held on the 19th-21st July be any different. Is this discrimination as it feels as though it is. Or is it the intention of the review to include the banning of these events also?

I attended all three nights at the recent Museum Gardens events - they were well run, excellently managed, the facilities were impressive and the backdrop superb. My husband used to attend similar events held at The Museum Gardens in the 70's and has said for 20+ years that he never understood why they stopped - he was delighted that such a beautiful location was once again being utilised. The music was not offensive, there was no bad language used on stage - yes music is subjective and not everyone likes the same sort however it was no louder or offensive than The Proms which again does not appeal to everyone.

At a time when life is miserable, finances stretched and times being pretty hard, seeing York so full of happy smiling people who are spending money in the city, creating positive vibes and an amazing buzz around the place was so refreshing. I have not seen so much joy in York for YEARS, not to mention the financial boost that our traders and hard working businesses received. There were no drunken brawls - seen so many times after York races - no traffic issues - as opposed to York Races where roads are gridlocked and diversions in place - no police intervention was required, no reports of any kind what so ever. Therefore where is the public nuisance?

Whilst I appreciate that there may be some inconvenience caused to local residents when there are events held at the Museum Gardens - however that is like living next to a pub and complaining about the sale of alcohol! Or living near a church and complaining about the bells ringing on a Sunday! It is not every day - or even every week or month - the times did not and do not progress past the legal curfews of 11pm for noise disturbances, the crowds were encouraged into the site early and were safely managed once inside following which they were then dispersed in an orderly and effective manner, traffic management is controlled to avoid disruption and the events are all safe for all who attend, work and are affected by them.

Come on York Council - gives your heads a shake here and stop discriminating against people have a safe and fun time outside of the racing and getting drunk on a Friday and Saturday night and walking around in Pink Tutu's with L plates plastered on clothing, our city deserves better. York was left behind years ago for diversity outside of the usual touristy rubbish that is peddled - bring us back in line with other cities and celebrate live music! Music venues in York have declined to the point where most travel to other cities instead to partake in such events - why should that money be spent in other cities when York has so much to offer by way of an ideal and wonderful location such as the Museum Gardens? Stop pandering to the minority and look at the larger picture I implore you.

I call for you to renew the licence at the Museum Gardens for the inclusion of live music events such as those held on 19th - 21st July.

Thank you

ain Street, North Duffield, Selby

YO8 5RQ

atton On Derwent, York, YO41 4BT

Tel:

Email:

The City of York Council Licensing Authority

York, YO1 7FR

Dear Sir/Madam,

I am writing to you in my capacity as a member of the band following our recent performances at the Museum Gardens on July 19th and 20th, 2024. We understand that the council is currently reviewing the license for this venue due to a complaint concerning "The Prevention of Public Nuisance." I would like to take this opportunity to express my full support for the Museum Gardens and the continuation of its license for hosting live events.

Having worked within the music industry at a professional level for over 30 years, I can confidently say that the events held at the Museum Gardens were among the best organised and well-run I have ever experienced. The promoter, Future Sound, put in tremendous effort to ensure everything went smoothly. The events were conducted without any incidents of public disorder or nuisance, which is a testament to the planning and professionalism behind them.

When we announced the shows, we created a short film celebrating our home city of York. This film, which would not exist without the concerts taking place, has served as a free advertisement for the city and was also used by the council as a 'Welcome to York' asset. The video has been viewed thousands of times and continues to be shared, highlighting York as a vibrant cultural hub. These concerts, which sold out instantly with 8,000 tickets snapped up by music lovers from across the UK and even abroad, have not only been a success in themselves but will also provide valuable marketing material for future events, drawing tourism to our city even if people don't attend the concerts.

The influx of visitors to York provided a significant boost to the local hospitality industry. Over that weekend, there was a palpable buzz in the city, with hotels, bars, restaurants, shops, and even taxi companies reporting one of their best weekends in years. The economic impact was substantial, bringing in hundreds of thousands of pounds to the local economy.

Moreover, the event created numerous opportunities for local businesses and workers. From the staff who worked at the event to the catering companies and local producers who set up stalls on the site, the benefits were widespread. This included everything from the donut and pizza wagons to local charities, which were given a platform to raise vital funds. Collections made at the concerts raised several thousand pounds for St Leonard's Hospice, York City

Football Foundation, and The Snappy Trust—each of these charities has expressed their deep gratitude for the opportunity.

The arts and culture are integral to the identity of York, a city that proudly boasts a rich heritage and a thriving contemporary creative scene. The mission statement on the Make It York website emphasizes York as a place where "outstanding, renowned culture and heritage come together with a cutting-edge contemporary approach to creativity." The events at Museum Gardens embodied this vision perfectly, contributing to York's status as the UK's first UNESCO Creative City of Media Arts.

Lastly, I would like to stress the importance of events like these for inspiring the next generation. Music and the arts play a crucial role in nurturing creativity and ambition in young people. By hosting concerts and cultural events, York can continue to be a city that fosters creativity and provides inspiration for the youth, encouraging them to believe in their potential and pursue their passions.

In conclusion, I urge the council to consider the overwhelming positive impact these events have had on the city and its residents. The Museum Gardens is a vital cultural venue that not only enriches the local arts scene but also brings substantial economic and social benefits to York. I fully support the renewal of its license and look forward to seeing more events like this in the future.

Thank you for your time and consideration.

Yours sincerely,

...

Sefton, Helen

From: [REDACTED]
Sent: 10 August 2024 15:09
To: licensing@york.gov.uk
Subject: Museum Gardens licence review

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

Dear Licensing Team

I Hope this finds you well? I am writing to express my concern about the licence review that is taking place at The Museum Gardens. This is such a shame, as it was such a huge step forward for York Live Music. The band and the people behind the scenes are all York Legends you have excelled and succeeded in their careers in the Music industry and live music. And it was such a big deal for all involved and all the fans. It was great for the local economy, it was incredibly well run with no incidents as far as I'm aware, safety was at the forefront of the event and fun was had by all. It would be a real shame if this was revoked. York is on the up in a big way culturally and giving freelance individuals and independent promoters to create historic events was a great thing.

That's my 2ps worth anyway

Many thanks

[REDACTED]

Kings Square
York
YO1 8BH
Mobile...

Sefton, Helen

From:
Sent: 12 August 2024 10:10
To: licensing@york.gov.uk
Subject: License review - York Museum Gardens

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

- > To whom it may concern
- >
- > I am writing in regard to the recently advertised review of premises licence for York Museum Gardens, Museum Street, YO1 7FR.
- >
- > Having grown up just outside York, becoming a fully fledged resident age 21, and now in my late 30s owning a house in the city and choosing to raise my young family here, there are many reasons why I have remained in the place I call home.
- >
- > At the top of this list is the culture that flourishes in the city's thriving arts, music, and entertainment scene, and as a former business owner in the city centre I know all too well how many people rely on this to sustain both local and tourist trade, and the diversity this brings to our historic city.
- >
- > I can only assume that the licence review has come about in relation to the recent music showcases that took place in the museum gardens on 18-20th July 2024, that I have heard nothing but positive feedback about since they took place. I honestly believe the events were one of the best cultural offerings to have come out of York in decades, not only creating such a 'buzz' among locals prior to the shows, but also demonstrating that York can stand with other similar sized cities in the North who so regularly hold events of this nature. In addition I am sure that the benefits of events like these will be felt across the city, especially in the retail and hospitality sectors who work so hard to make ends meet in what have become such challenging industries post-covid.
- >
- > Regarding the event itself I was lucky enough to attend on Saturday 20th. Having been an avid 'gig-goer' for the last 25years or so, and having attended hundreds of events both large and small scale, I cannot emphasise enough how impressed I was with the night itself. Apart from having such a fitting headline act, it was clear that the layout, security, timings, and 'vibe' had been carefully considered - not just for an event of that size but in the context of the historic and beautiful location in which it was taking place. I felt safe, looked after, and welcome.
- >
- > I note the review is on the grounds of prevention of public nuisance, however would argue that the whole series of events was quite the opposite. Sympathetically planned and executed with virtually no disruption to access anywhere in the area, even those unable to attend will have benefitted hugely. I witnessed absolutely no antisocial behaviour whatsoever, and certainly far less questionable behaviour than walking around York city centre on an average Saturday night. Crowds were well managed, noise levels had clearly been well thought about, and I would absolutely consider the environment 'family friendly'.
- >
- > York needs more events like this, not fewer, and whilst I appreciate that events of this nature may not be everyone's cup of tea, the culture, excitement, and revenue they bring to our city surely outweighs any minor inconvenience that the minority may feel they must endure for 3 nights in the year.

>
> Yours Sincerely

>
>
> Huntington Road, York, YO31 9BP



Sefton, Helen

From: Helen Sefton <hsefton@york.gov.uk>
Sent: 10 August 2024 12:39
To: licensing@york.gov.uk
Subject: Museum Gardens

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Licensing staff,

I was disturbed to see the license for the Museum Gardens is under review. I cannot believe that this is happening at a time when we should be promoting live music in York; particularly after York has lost so many venues already. York is NOT just for the tourists, the residents give it a soul. Without us & music the City is hollow. I walked through the museum gardens every day of my 11 to 16 years old, time at school. The celebration of my mother's life was held at The Hospitium it was beautiful, and most recently I attended the marvellous Shed Seven concert there. From what I could see both the citizens of York and tourists alike loved this concert. Please can you take this into account when you make your decision which as usual is based on a tiny handful of complaints? Please also consider the finance and kudos it brings to our city. Look at what the The Piece Hall has brought to Halifax. The Museum Gardens is an ideal outdoor venue and we should allow it to continue.

Kind regards

Sent from my iPhone

Sefton, Helen

From: Helen Sefton
Sent: 13 August 2024 08:02
To: licensing@york.gov.uk
Subject: Re: Museum Gardens

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

Dear Jacquie,

I live outside of York now as housing was more affordable but next to ^{the} train station so that I am able to be there within 17 minutes and I visit all the time. I am very much a proud Yorkie. My address is

Poplar Terrace
Carlton Miniott
Thirsk
YO7 4NG

Thanks for your quick response.

Sent from my iPad

> On 12 Aug 2024, at 09:17, licensing@york.gov.uk wrote:

>

> Good morning

>

> Thank you for your email regarding the review of museum gardens premises licence.

>

> In aid for your support of the premises to be accepted you must put your full address including postcode on your email. If you could add this and resend to licensing@york.gov.uk no later than 04 September.

>

> Kind regards

>

> Jacquie

>

>

>

> -----Original Message-----

> From:

> Sent: Saturday, August 10, 2024 12:39 PM

> To: licensing@york.gov.uk

> Subject: Museum Gardens

>

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

>

> Dear Licensing staff,

>

> I was disturbed to see the license for the Museum Gardens is under review. I cannot believe that this is happening at a time when we should be promoting live music in York; particularly after York has lost so many venues already. York is NOT just for the tourists, the residents give it a soul. Without us & music the City is hollow.

> I walked through the museum gardens every day of my 11 to 16 years old, time at school. The celebration of my mother's life was held at The Hospitium it was beautiful, and most recently I attended the marvellous Shed Seven concert there. From what I could see both the citizens of York and tourists alike loved this concert.

> Please can you take this into account when you make your decision which as usual is based on a tiny handful of complaints? Please also consider the finance and kudos it brings to our city. Look at what the The Piece Hall has brought to Halifax. The Museum Gardens is an ideal outdoor venue and we should allow it to continue.

>

> Kind regards

>

>

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>

>

> Sent from my iPhone

> *****

> ***** Help protect the environment! please don't print this email unless you really need to.

> *****

> *****

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>

Sefton, Helen

From:
Sent: 14 August 2024 11:42
To: licensing@york.gov.uk
Subject: Re: YMG License Review

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Apologies, my address is:

Minter Close
York
YO24 3FA

Kind regards,

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: Wednesday, August 14, 2024 12:38 PM
To: >; licensing@york.gov.uk <licensing@york.gov.uk>
Subject: RE: YMG License Review

Good morning

Thank you for your email.

Could I please ask for you to give me your full address, for us to be able to log this

Kind regards

Tricia

From:
Sent: Tuesday, August 13, 2024 5:56 PM
To: licensing@york.gov.uk
Cc:
Subject: YMG License Review

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

To whom it may concern

I wish to make a representation to the Licensing Authority in favour of the renewal of the premises licence for York Museum Gardens following the 3 nights of music events in July 2024.

In my opinion the events were a big success for the City. There was an increase in tourism across the weekend resulting in money spent in hotels, bars, restaurants, taxis, and on local transport. It was an opportunity for successful high profile artists to play in York which boosts the civic mood of the City as many locals attended the events too. The atmosphere over the weekend was so good to see.

I attended both Shed Seven events which were very well organised and saw no public disorder; everyone was in fine spirits.

The events ended at a reasonable time, I exited the events using Marygate Friday and the main exit Saturday, people looked to be leaving immediately after the gigs, I saw no inappropriate behaviour.

I really hope we can continue to hold music and dramatic events in the Museum Gardens in the future.

Kind regards,

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Sefton, Helen

From:
Sent: 17 August 2024 21:08
To: licensing@york.gov.uk
Subject: Music in museum gardens 18-21 July 2024

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Hello

In reference to the Museum Gardens license review notice.

I attended the shed seven shows in the Museum Gardens and thought the event was excellent. It was extremely well organised and this sort of event brings something far better than the usual influx of hen nights to our city. I took my 70 year old uncle who attended the previous events there in the 1970's and he loved every minute. The event finish time of 10.30pm is more than acceptable for the residential consideration. This event must have benefited the city financially and I love to see these spaces used in the same way as they are in other historical cities with so much more to offer, such as Edinburgh.

Regards

Linton Street
York
YO26 4SA

Sefton, Helen

From: Helen Sefton
Sent: 19 August 2024 09:27
To: licensing@york.gov.uk
Subject: Review of Musuem Gardens / York Museums Trust Licence
Attachments: York Museums Trust_Concert Complaint_29Jul24.pdf
Categories: Helen

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

Dear York Council Licensing Department,

With regard to your review of the licensing of Museum Gardens/York Museums Trust, I would like to support Mr Andrew Dickinson's complaint of Public Nuisance which has led to the review.

The precise details of my objections are laid out in the attached letter of complaint, which I had already submitted to Ms Kathryn Blacker at York Museums Trust on 29th July, but so far without reply. My complaint relates specifically to the Concert event of 18th-20th July 2024.

Please confirm you have all necessary details from me, in order for my objection to be considered as part of the review.

Marygate
York
YO30 7BH

Marygate
York
YO30 7BH

Kathryn Blacker, CEO
York Museums Trust
St Mary's Lodge
Marygate
York

29th July 2024

FEEDBACK ON YOUR VARIOUS RECENT CONCERTS

Dear Ms Blacker,

As a neighbour of yours, I write to commend you on your execution of the York Proms event held on Sunday 28th July, and also to provide feedback on your Concert event of 18th-20th July.

My fellow residents in Marygate and I have worked with you over many years in supporting the Museums Trust in the public use of your facilities. We recognise the benefits to us not only through direct access to the events, but also for the long term financial viability of the historic green space on our doorstep. Our cooperation goes back to the initial establishment of a permanent licence for the Hospitium – when we agreed broad guidelines for access arrangements to your site, noise levels and exposure.

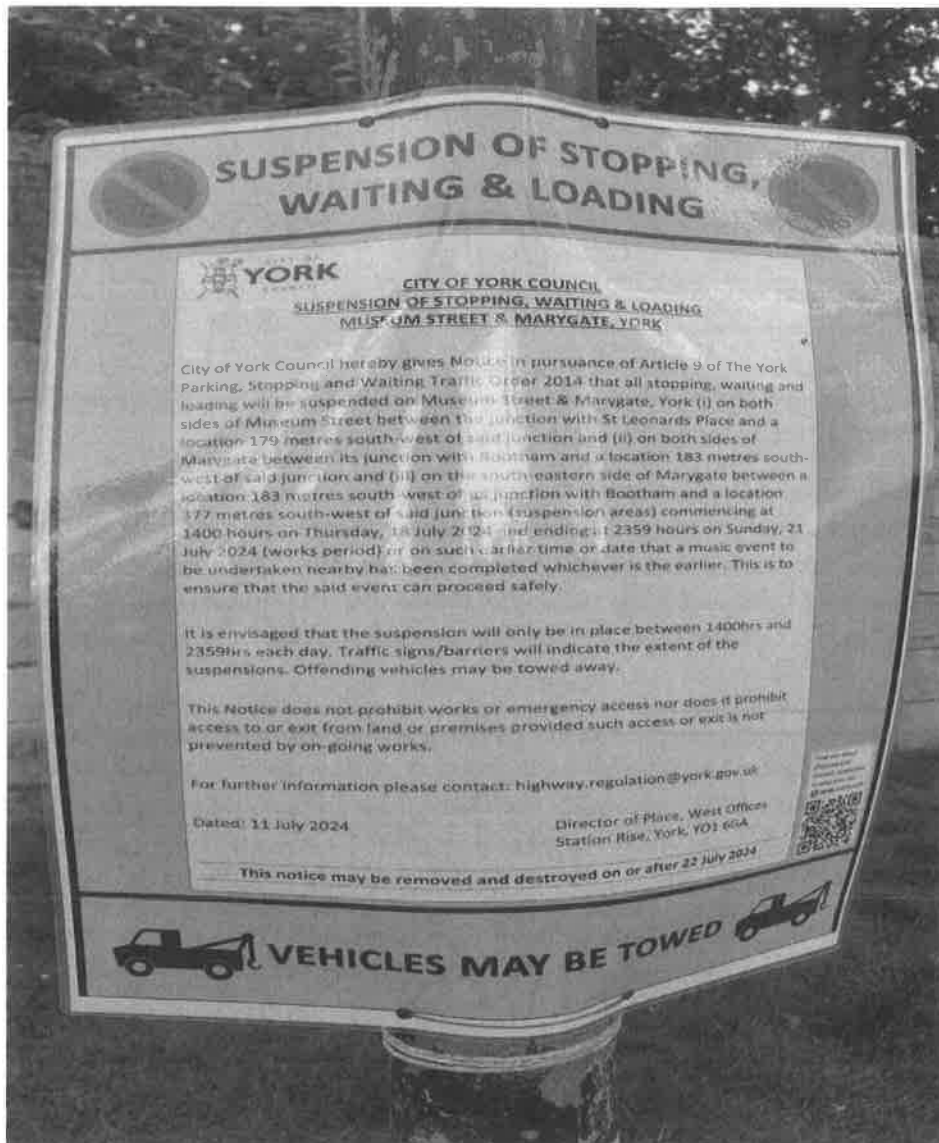
We have been supportive of your initiatives to use both the Hospitium and the site in general for community use – and as support for its maintenance. We recognise and accept that a certain level of noise and disturbance is inevitable from such events, even though our property is directly exposed to it (since our house, like most in Marygate, rises above the Abbey walls in direct adjacency and full exposure to any noise).

Your two recent July events (York Proms and 18-20th July Concert series), however, demonstrated quite different levels of respect for your neighbours. The Proms went off with acceptable levels of noise and other disturbance. While it was clear that an event was going on, other than for a few short passages of loud music or a short fireworks display, the disturbance was bearable. In contrast, the Concert series of 18th-20th July was a much greater burden: with prolonged, invasive and inescapable “boom, boom, boom” noise and vibration disturbance – caused largely by amplified drums and bass. But even within this event, not all performers appeared to inflict such long duration disturbance. The concert, for example, on Thursday 18th, was not particularly disturbing until the amplified drums and bass commenced around 9pm. On Friday 19th, such disturbance was not only restricted to the evening: the afternoon “sound check” included prolonged periods of loud music, drums and bass from 2pm until after 4pm – shortly before recommencing the event at 5.30pm.

The 18th-20th July event also created a parking nightmare for your neighbours, the details of which I feel you should also be made aware. Seemingly the organisers saw fit to install a series of notices on lampposts in Marygate around Sunday 14th July – only a few days before the event, and without any other prior warning or justification: reserving the entire parking available in the lower end of

Marygate (a 194m stretch at the bottom of Marygate) – without any communication of what provisions (none) had been made for alternative resident parking.

The text of the actual notice can be read from the photograph below. As you will see, the purpose and objective of the parking prohibition are not made clear, and the meaning of the text and the area actually affected (“183m from Bootham to 377m from Bootham”) is not really clear either – unless you get your tape measure out. But it’s a very extensive prohibition.



The notices generated quite a bit of concern amongst our neighbours, who flurried to find alternative arrangements for their cars. But our lodger (who uses our residential parking permit to leave his car on the street) left early on Monday 15th, not having seen the notices, to attend a residential course for his work.

In the very early morning of Thursday morning, 18th July (before the notice applied), an Austrian-registered coach appeared on the street near to the Hospitium road entrance, and parked within inches of our lodger’s car. At this time, the two vehicles were then enclosed within parking cones. The quite limited area of the cones (in relation to the 194m space reserved by the notices) is clear from the photograph below, taken on Friday morning, 19th July.



We have not received explanation, given the ample space available at the time of the bus parking, why the bus couldn't have simply been parked slightly differently – and the cone arrangement too: with no need to move our lodger's car in the first place.

In the event, I only observed the coned-off area being used by a single vehicle at any one time – the Austrian coach there on the first day, which turned up before the notice applied – and subsequently only the occasional use by a single Enterprise rental van.

My wife informed the available personnel on Thursday morning that it was our lodger's car in front of the bus, and was told by one of the team that the vehicle was not a problem. Nonetheless: subsequently, presumably at the initiation of the organiser's event staff, York Council Parking Department called me during the day to ask about the car and ask for its removal. I explained our situation, and said we had no second key for the car, but anyway, were not insured to drive it. Our lodger would return later and move it. I asked if in consequence the car would be towed away, and was told: "possibly". Subsequently, one of the event staff knocked on our door, spoke to my wife and son; himself to ask for its removal. Finally, our lodger returned about 6.30pm and moved his car, to be told by the bus driver that "it doesn't matter to me, but you've f+++ed a lot of people around". I feel this affront could more rightly be directed at the organisers.

One of my neighbours spoke of the "entitled air" of the security staff. Certainly I can sympathise with this feeling, given the organisers' clear sense of entitlement in arranging such an expansive parking ban, when in reality such little space was actually required and no consideration was made for the residents.

Having had our cars hounded away by parking staff, we then got to watch event visitors come and park their cars freely in the extensive space not required.

If such extensive parking is required for future events, perhaps you should consider earmarking space within the curtain of the Museum Gardens; not allowing your event to spill out so intrusively beyond your walls?

As to the event itself: I was pleasantly surprised when the event started on Thursday 18th July, to discover that I found noise levels (within my house, with all the windows closed) not too intrusive. But around 9pm that changed unfortunately, when the amplified drums and bass became a permanent invasive and inescapable intrusion. I ask myself: if it was possible for the concert to manage without such disturbance until 9pm, why should it not be possible until the end?

As residents of Marygate, we, like the Museums Trust, are lucky to be located in a historic and conservation area: but this places obligations and limits upon us all. Our buildings do not meet modern standards of insulation and sound-proofing – neither for holding large events, nor for withstanding them. The materials make them flimsier and more susceptible to vibrations and rattles than a modern building could be expected to be. And we are prevented by Council planning from double glazing, never mind sound-proofing.

Given these constraints, as well as the historic and limited size of the Museum Gardens site, it seems most reasonable when planning and holding events, to consider the long-term noise load and effect on neighbours caused by deep thudding and vibration, rather than applying vanilla council guidelines for noise measurement more suited to large events in open spaces or purpose-built stadia.

Maybe more thought by both the York Museums Trust and the Council should be placed on the nature of the artists, the music and the instruments and amplification to be used, before approving such large events, as well as the parking restrictions to be applied for them.

The best artists often produce many different versions of their songs, some with only limited or acoustic backing. Maybe a concert honed in this manner, taking greater benefits of the Museum and Abee's historic backdrop is more appropriate, rather than trying to mimic the "scale" and customary arrangements of large modern music festivals and stadium rock concerts?

Thought in the words of your event organiser:

"I have been heavily involved in the York music scene for 20 years and it has always been an ambition of mine to bring a live music event of this scale to the middle of the city with residents at the heart of it. The fact that we can start the event with the biggest band to come out of York makes it all the more special," said Rachel Hill, Project Manager at Futuresound."

...I can assure you that my fellow residents do not feel that we have been "taken to the heart" of the event planning. I hope corrections will be made in any future plans.

As one of the Museums Trust own staff in the sound engineers cabin told my wife: we are trying to comply with noise guidelines, but it is a problematically small site. Perhaps one unsuited to the nature and expectations of the event and its organisers?

As another fellow resident reminded me: there used to be both bats and owls within the curtain of the Museum Gardens. I wonder how these have been affected by your events?

I hope future event planning and execution will be more considerate.

Yours sincerely

Sefton, Helen

From: [redacted]
Sent: 27 August 2024 10:45
To: licensing@york.gov.uk
Subject: Re: 07/08/2024 Ref: 009433 Review of Museum Gardens licence

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

Dear Ms Sefton,
The address is Longfield Terrace Bootham York YO30 7DJ

Regards

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: 27 August 2024 07:58
To: [redacted]
Subject: RE: 07/08/2024 Ref: 009433 Review of Museum Gardens licence

Dear Sir

Thank you for your email, however I am unable to accept your representation without an address.

Please could you resend your representation including your address, we must receive this by the 4 Sept.

Kins regards

Helen Sefton | Senior Licensing Officer

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Hazel Court Eco Depot, James Street, York, YO10 3DS

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From: [redacted]
Sent: Monday, August 26, 2024 10:14 AM
To: licensing@york.gov.uk
Subject: 07/08/2024 Ref: 009433 Review of Museum Gardens licence

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

Dear team,

re the review of the Museum Gardens licence.

My wife and I would object to any variation that would allow more "Pop" type concerts in the gardens and would support any measures to stop them.

During the last three concerts, although living some streets away we were affected by the noise, not only during the concert, but during practice sessions during the afternoons. We were unable to use our garden during one of the only periods of good weather in July.

I refer you to my letter of complaint dated 24.7.24

" I would like to complain about the noise from the Museum Gardens concerts held over the weekend.

This noise could be heard in Longfield Terrace from early afternoon until the late evening. Unfortunately because of the sound system used we were tormented by a thumping noise. This meant we could not use our garden and had to have the windows closed, which I am sure you will appreciate, with the high temperatures it made for a very uncomfortable few days.

In conjunction with my complaint I would be interested to know the route that these concerts got permission (if any) and, what (again if any) consultation with affected residents was undertaken"

Regards

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Sefton, Helen

From:
Sent: 28 August 2024 18:04
To: licensing@york.gov.uk
Subject: Re: RE: The Prevention of Public Nuisance @ Museum Gardens
Categories: Helen

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

Good afternoon Hannah

Thanks for the prompt reply.

Fossgate
YO1 9TF

Sent via BT Email App

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: 28 August 2024 16:16:45 BST
To:
Subject: RE: The Prevention of Public Nuisance @ Museum Gardens

Good Afternoon

Many thanks for sending this through. Unfortunately we are unable to accept this as a valid rep until you provide your full address. Could you please confirm this detail.

Kind regards

Hannah

Hannah Boxall | Safety Advisory Group Co-ordinator

t: 01904 552422 | hannah.boxall@york.gov.uk

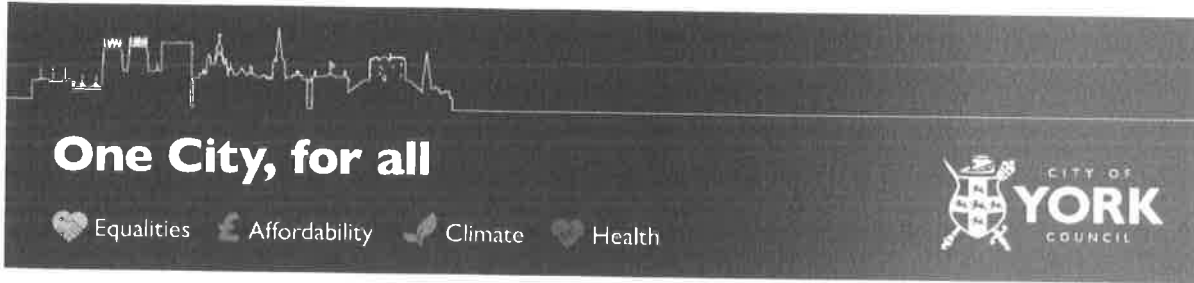
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Hazel Court Eco Depot, James Street | York YO10 3DS

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From:
Sent: Wednesday, August 28, 2024 3:23 PM
To: licensing@york.gov.uk
Subject: The Prevention of Public Nuisance @ Museum Gardens

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

I am writing in support of this year's events in the Museum Gardens.

Both live music events were an excellent addition to the City bringing a much needed boost.

I attended both events and found them to be of a very high standard in comparison to other events I have attended.

I had hoped this would be the beginning of an exciting annual event, something for York people (and non York people) to look forward to.

I do appreciate that any event in the city might bring some changes that might not suit everyone but these events brought joy to plenty more positive outcomes than negative. If you live in the city centre, then you have to be prepared for the vibrant side of it.

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Sefton, Helen

From:
Sent: 30 August 2024 14:10
To: licensing@york.gov.uk; Sefton, Helen
Subject: Licence Review Application York Museum Gardens

Categories:

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

York Museums Trust
Representation to the Licensing Authority re: Review of the Licence - York Museum Gardens

York Museums Trust takes the review proceedings issued in relation to the events held within the Museum Gardens between 18 July 2024 and 20 July 2024 very seriously and the trustees wish to make it clear that it was always their intention to uphold the licensing objectives.

York Museums Trust is experienced at hosting events without issues arising and are well known within the City for the way it successfully undertakes events in the Gardens ranging from the Mystery Plays to the Proms without concerns as to compliance with the Licensing Act 2003. It has a clear objective of contributing to the overall cultural offering within the City, expanding the financial benefit to the city and businesses within it, as well as providing a new revenue source for the Trust in the light of reduced grant support and increased running costs.

In the past they have been approached to use the site for many events which have been rejected. The proposal from Futuresound was the first one that provided reassurance as to the experience and expertise, not only to successfully operate an event of this nature, but also to be able to operate within a unique site such as the Museum Gardens and taking into account the presence of residential accommodation to 3 boundaries of the site. York Museums Trust takes its prime function seriously as custodian of the historic sites and collections within its care and diligently balances these with providing a broad offer of engagement opportunities within the Gardens, not only considering each event but the impact of the whole calendar of events to those who live and work nearby.

With these sensitivities in mind, more than two years of planning and consultation were undertaken between Futuresound and York Museums Trust and the necessary authorities. This included formal processes, such as working with the Safety Advisory Group, and working outside of the regular Advisory Group meetings with individual authorities to develop plans and work within their requirements.

York Museums Trust acted at all times with transparency to those who may be impacted and sought their comment. A community engagement programme was developed and begun in November 2023 with the first of three open consultation events. Local residents were invited by hand delivered letter. The final pre-event engagement was an information leaflet letterbox drop to over 1500 residences.

Over the course of the event days, the team were in constant contact with the Safety Advisory Group who had representatives on site whilst the event was live. Having employed a Noise Monitoring Consultant, there was ongoing dialogue, in the build-up to

and on the evenings of the events with the Public Protection Officers who were on/around the perimeter of the site when the performances occurred.

York Museums Trust embarked on the event with the intention to undertake best practice, adopt a partnership approach, and promote the licensing objectives. Feedback has been constructive rather than negative and evidence which will be produced at the final hearing will illustrate that the collaborative approach with the Public Protection team and the sound crews allowed the event to pass without causing public nuisance.

We would be grateful if you would kindly acknowledge safe receipt of this email and its status as a representation, received during the representation period. We reserve the right to file further documentation and Written Submissions in support of York Museums Trust position and can assure you that in the intervening period we will continue to liaise with the statutory authorities with a view to trying to achieve a mutually acceptable resolution to the situation.

Head of Visitor Experience and Commercial

York Museums Trust -

Tel:

Mental Health First Aider if you are in a crisis don't hesitate to get in touch or text SHOUT to 85258.

Sefton, Helen

From:
Sent: 01 September 2024 12:31
To: licensing@york.gov.uk
Subject: Review of Premises - Museum Gardens YO1 7FR
Categories: Helen

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

To whom it may concern

I writing in connection with the recent advertised review of the licence at the above premises. I can only assume this review follows the recent series of live music shows held in the Museum Gardens.

As a resident of York for over 40 years, I was delighted to see such an iconic venue in the city hosting a live music event of this nature. This is exactly what the city needs and something me and my peers have been calling out for, for a number of years. It's great to see the event promoters working with the council to bring a different kind of attraction for residents and tourists in the city. York is rich in ancient history but somethings lacks when it comes to modern culture, so this type of event attracts even more tourists which no doubt this brought massive positives for the local economy.

I was surprised to see that the wording "public nuisance" mentioned, as I was unaware of any such nuisance. In fact the event seemed to be run extremely well with minimal disruption. A credit to the team for such a well organised event.

I hope that we can see further events of this nature in the future, not just in the museum gardens but in other locations around our beautiful city.

Kind regards

Upper St Paul's Terrace
York
YO24 4BP

18

Sefton, Helen

From: Helen Sefton
Sent: 31 August 2024 12:04
To: licensing@york.gov.uk
Subject: License review - "The prevention of public nuisance"

Categories: Helen

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

Hello,

I was very sorry to see that the license is under review for live music events taking place in the museum gardens, what a shame it will be if these can no longer take place.

All I heard whilst attending the Shed Seven concert was positivity from everyone I came across, the experience and vibe was phenomenal which made the event so enjoyable - it made me proud to be a York resident! Whilst being there I didn't see any anti social behaviour, just happy individuals soaking up the fantastic atmosphere.

It seems like York will be losing so much for such a small short term inconvenience for a couple of kill joys who don't appreciate this type of event. Let's just take this in to perspective on how much these type of events boost our tourism which dramatically helps our local businesses having extra money spent in the hotels/restaurants/shops. Surely all these pro's outweigh a couple of cons!

I just wanted to share my view in hope it will help future events taking place.

Kind Regards,

Helen Sefton
Beech Ave, York, YO24 4JL

Sefton, Helen

From:
Sent: 31 August 2024 11:53
To: licensing@york.gov.uk
Subject: Re: Museum Gardens License Review

Categories: Helen

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

To whom it may concern,

I am writing with regards to the recently advertised review of premises licence for York Museum Gardens, Museum Street, YO1 7FR.

I was beyond surprised to see that the license for this amazingly versatile place was up for debate when I was in the gardens volunteering this week. I can only assume that this has come about following the recent concerts and proms events that took place in July.

I have thought long and hard since seeing this notice about the best way to put into words how I feel about this, aside from to say that it seems completely absurd and utterly short sighted, and have come to the conclusion that the best way to get my message across is to put it in as plain a way as possible. So, please see below my bullet point list (in no particular order) spelling out why I think that revoking their license would be completely idiotic and why I wholeheartedly support the garden's and wider Trust's use of the space as a venue for cultural events.

- You say that the review is to ensure Prevention of Public Nuisance - From being at the Shed Seven event on the Friday myself and from speaking to people involved in the event, there were absolutely no instances of public nuisance, mis-behaviour, antisocial behaviour or otherwise in the venue. When taken in contrast to the shameful behaviour that Hen and Stag parties demonstrate in the town when I am walking through it on a Saturday afternoon with my 4 year old, I'd say that the vulgar, antisocial behaviour and public nuisance that these groups cause was a far bigger issue for the Council to be addressing. Not a few nights of people having fun, listening to music and singing along to songs from their youth.
- Shed Seven are a York institution and one that we should be proud of. Showing support surely encourages more talent to emerge within the city. York needs something other than its history to promote. And currently I'd say we are scraping the barrel if we say we are a creative and culturally rich city. (I say this as a curator and a previous art gallery owner who has watched the arts scene fade into nothing over recent years.)
- On that note, I'd also like to point out the sad lack of music events which take place in York vs. 10 years ago and more. These events in the Museum Gardens are an important addition to the dwindling music scene here and represent a real positive for so many people.
- This event will have been an immense economic boost for local businesses. Not only did the event organisers make use of local, independent traders to provide the food and drink on offer, the bars, cafes, restaurants and hotels in the city will have also benefited hugely from the thousands of people who were in York City Centre. Speaking to a couple of friends with local businesses this was definitely a brilliant boost to their takings this summer.
- Whilst many of the people that attended this event travelled to the city (and were encouraged to do so by public transport not car) the events in the garden over the summer were first and foremost targeted at York residents. Finally, something for the locals and not just tourists!
- It is widely known that YMT have been suffering financially for years and are facing some serious issues currently regarding the sorry state of repair of the Yorkshire Museum. The huge fees that they earn from events such as the Shed Seven gigs are a necessity in this regard. More so than ever as CYC continues to cut

their financial contributions to the trust. I hate to think what would happen to the Museum Gardens if YMT couldn't hold events there anymore. Could you imagine the outrage that would ensue if people had to pay to walk through or visit the Museum Gardens?!

I could go on, but what it boils down to is that yes, a few people might momentarily be irritated by a bit of noise (noise of people having fun) but in the large, most people either aren't bothered, or absolutely loved it. And the benefits of events in the museum gardens are above and beyond the negatives.

This review is an expensive waste of everyone's time and I look forward to hearing that it has been thrown out with the rubbish.

Yours sincerely,


Huntington Road, York, YO31 9BP



Sefton, Helen

From:
Sent: 02 September 2024 19:17
To: licensing@york.gov.uk
Subject: Re: Museum Gardens 'Public Nuisance' notice

Categories: Helen

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

Hi Helen, thank you for your prompt reply.

Church Balk
Dunnington
York
Yo195pr

Kind regards

Sent from my iPhone

- > On 2 Sep 2024, at 08:16, licensing@york.gov.uk wrote:
- >
- > Thank you for your email, however for this be taken into account please can you provide your full name and address.
- >
- > Kind regards
- >
- > Helen Sefton| Senior Licensing Officer
- > t: 01904 552422 | e: licensing@york.gov.uk
- >
- > City of York Council | Public Protection Hazel Court Eco Depot, James
- > Street, York, YO10 3DS www.york.gov.uk | facebook.com/cityofyork
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> -----Original Message-----

> From: [redacted]
> Sent: Sunday, September 1, 2024 11:53 AM
> To: licensing@york.gov.uk
> Subject: Re: Museum Gardens 'Public Nuisance' notice

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

> To whom it may concern,

> I have just noticed the 'Public Nuisance Review' in the Museum Gardens and feel
that this is quite frankly ridiculous, there are very few occasions that anything
happens in this space and when it does, there is a complaint?!

> York as a city is woefully lagging behind other areas and needs to be forward
thinking in what it offers, particularly in the city centre which is starting to resemble a
third world country (empty shops, drug addicts and an increasing homeless
community) I therefore reject this nonsense and want to see York grow, to
regenerate itself, which in turn will help the finance the town's recovery.

> Kind regards from a very unhappy York resident, Mr

> Sent from my iPhone

> *****

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you really need to.

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Sefton, Helen

From: [REDACTED]
Sent: 03 September 2024 16:22
To: licensing@york.gov.uk
Subject: Licensing Review for Museum Gardens York

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Hello,

I saw the notice in Museum Gardens re. the licensing review. I have read the COYC guidance on outdoor music events, and I suppose the objections received by the licensing department were about noise levels. My understanding is that many planning meetings took place between the promoters and COYC representatives before the Futuresounds and The Proms events went ahead in July. I would also expect that acceptable sound level limits were discussed and agreed prior to the events taking place, discussions which surely must have included the decibel levels expected from substantial crowds of people, applause, a Proms fireworks display and crashing cymbals, plus electric guitars from a rock band.

As a York resident I was very pleased that these Museum Gardens music events were taking place and I did actually attend one of the events. In my view the event was very well executed and orderly, there were many stewards dotted about and no noticeable drunkenness or bad behaviour from concert goers, who left the site quietly and sensibly. In addition, I have heard from friends, who have businesses in the city centre, that they were very busy both prior to, and after the concerts, and as such all the concerts were a boost for the night time economy of the city.

On the Friday night of the Shed Seven event I was visiting a friend in the Bootham area, behind the gardens near the river, and was surprised that I could not hear the music at all until I was $\frac{3}{4}$ of the way down Marygate and approaching the concert entrance, at the entrance to gardens I could hear some sounds. I was surprised at how little noise was leaking from the stage to the surrounding residential area, so I find it hard to believe that the sound was unacceptable in residential properties that were more than $\frac{1}{4}$ of the way up Marygate. Out of curiosity I did ask a couple of officials who were checking the decibels if the noise levels were meeting the COYC requirements, and I was told that they were.

It is wonderful that COYC have allowed these concerts to happen at last. I would hope that common sense prevails to ensure that a small number of objections don't mean that the Council will be influenced to rescind the licence for music events in Museum Gardens, because these types of vibrant, cultural music events bring a lot of joy to the THOUSANDS of concert goers who attend them, including many York residents/voters. The additional revenue to city centre food and drink outlets cannot be ignored either.

Similar events happen for example at The Piece Hall, Halifax and Kirkstall Abbey, Leeds and in many other cities without this objections shenanigans we are having here in York, perhaps people there don't begrudge others their enjoyment, and maybe they turn their TVs up or go out for the evening until 10.30pm to avoid having to listen to people enjoying themselves, heavens forbid!. I live in Haxby and we regularly have to put up with very loud fireworks displays for birthday celebrations or weddings etc that can go on until after 11 pm, however I don't get out my sound monitor or write to the COYC to object, it's only for a few hours and people are just enjoying themselves.

I hope COYC can actually stay in the 21st century now that it has a Labour led council, and that it will continue to support diverse musical events, for example The Proms for the minority of people who love classical music, and popular/rock shows for the majority.

Yours etc,

The Avenue
Haxby
YO32 3EQ.

Sefton, Helen

From: Helen Sefton
Sent: 03 September 2024 18:59
To: licensing@york.gov.uk
Subject: Re: Fantastic evening 18 July

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

Hi

Yes this was a review of for the proceedings.

My email address is (redacted) m. The other details are

(redacted); Alne
YO61 1TB.

I hope this helps.

Sent from my iPad

> On 3 Sep 2024, at 13:33, licensing@york.gov.uk wrote:

>

> Good afternoon

>

> Was this email sent in view of the review of museum gardens licence or was you just sending the email to praise the event. If you want your email to go towards the review you will need to put your name and address on the email for it to be accepted as part of the proceedings for the hearing of the review. End of representations for the review is 04/09/2024 so please send this back ASAP for it to be accepted in time.

>

> Kind regards

>

> Jacquie

>

> -----Original Message-----

> From: (redacted) <(redacted)>

> Sent: Tuesday, September 3, 2024 9:38 AM

> To: licensing@york.gov.uk

> Subject: Fantastic evening 18 July

>

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

>

> On a lovely summers evening we had the pleasure of attending the music festival in the museum gardens. It was fantastic and the mood in the audience was excellent A fantastic weekend for music lovers and York

- > city centre was buzzing with trade It should be given the opportunity
- > again next year | _____ 1d / _____ ent from my iPhone
- > *****
- > ***** Help protect the environment! please don't print this email unless you really need to.
- > *****
- > *****
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Liberal Democrat Group

Dear Licensing Officer,

I write as Shadow Executive Member for Economy and Culture, and on behalf of all City of York Liberal Democrat Councillors, as we believe this site is a strategic asset for York. We have seen from recent events the significant economic impact and benefit at-scale events bring, most recently at this site the highly regarded York Proms and the Shed Seven concerts. We make the below points in line with the Licensing Act 2003 in support of York Museums' Trust (YMT) retaining a license that gives them the flexibility to continue to deliver world class events at this special location.

Crime and disorder – YMT are a professional organisation and have a year-round task in managing crime and disorder in the Gardens. We note that last year they successfully integrated Thor's Tipi into Museum Gardens, operating in a manner that promoted the crime and disorder objective. Previous to this, and for many decades, they have hosted events that have not caused crime or disorder.

Protection of Children from harm – YMT are probably one of the best placed organisations in York to consider and act on this objective. They competently run a portfolio of venues that all have significant children and young people visiting. They are more that qualified to ensure events on their premises are run in a manner that protects children and young people.

Public nuisance – For many years YMT have managed the extremely busy Museum Gardens and hosted a wide range of events with little impact. This has included the York Proms, Thor's Tipi and other outdoor and indoor events. They are a well regarded institution and have clearly been able to balance at-scale events with the impact on residents and the wider city.

Public safety – YMT have a strong track record in managing safety in the Museum Gardens, having delivered a wide range of private and public events inside and outdoors. We feel as a responsible operator great weight should be placed on their competence to promote public safety are their events.

In summary, York Museums' Trust is a respected and well led organisation that cares about York and its environs. They bring significant economic benefit to our city and they should be supported to continue to enhance our cultural offering through retaining a flexible license that enables them to host world class events.

Yours respectfully,

COUNCILLOR A R MASON

Sefton, Helen

From: [redacted]
Sent: 04 September 2024 22:37
To: licensing@york.gov.uk
Subject: Museum Gardens License Review

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

To whom it may concern.

My name is [redacted], and I am the Managing Director of [redacted] Production Group.

I was extremely proud and grateful to Futuresound to have been asked to provide full technical production for the Live at the Museum Gardens events. As someone who is born and bred in York, getting into the music industry through playing in bands in York, then ironically starting to work in Shed Seven's studio, which has led to 16 years of touring the world at the highest level, all of which has paid for my company. Not a brag, but more an example of what can come from events in York.

We as a production company put months of planning into the audio system, to provide maximum on site levels and coverage, whilst keeping offsite levels to an absolute minimum. We achieved this to within a decibel, and did not break a 15 minute LAeq measurement over the weekend. All of the artists agreed that while this was a quieter than normal level, they were all happy to work within the limits as the site was so amazing, and all shared a passion to help this gig happen again.

As a York resident, the feedback and the buzz caused by this event was incredible. From TV, and Radio coverage, to the front page of the press, not least featuring Sarah Loftus of Make It York saying how amazing the event is, and that it needs to happen again...

Every effort was made by Futuresound, The Museum Gardens, and ourselves to reduce any environmental impact from this event, which I believe we succeeded.

For a city based so much on tourism and culture, I feel like it would be incredibly disappointing to allow such a small amount of complaints to take the enjoyment away from the literally thousands of people who attended and had the time of their lives. Not to mention the income generated to the local business and economy.

I fail to see how shutting down half of York for a marathon, or the whole of Micklegate for a race, or the massive traffic restrictions put in for the races, which have a direct effect on thousands of residents/workers/and anyone who is travelling through York, goes without even a whisper, but a tiny amount of noise complaints is enough to shut an event of this prestige and magnitude down.

It would be a travesty for this license to be revoked.

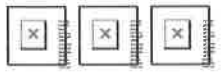
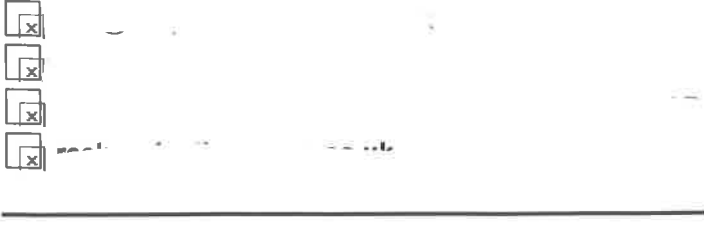
Support events, and support culture.

York is more than a conference venue.

Regards,

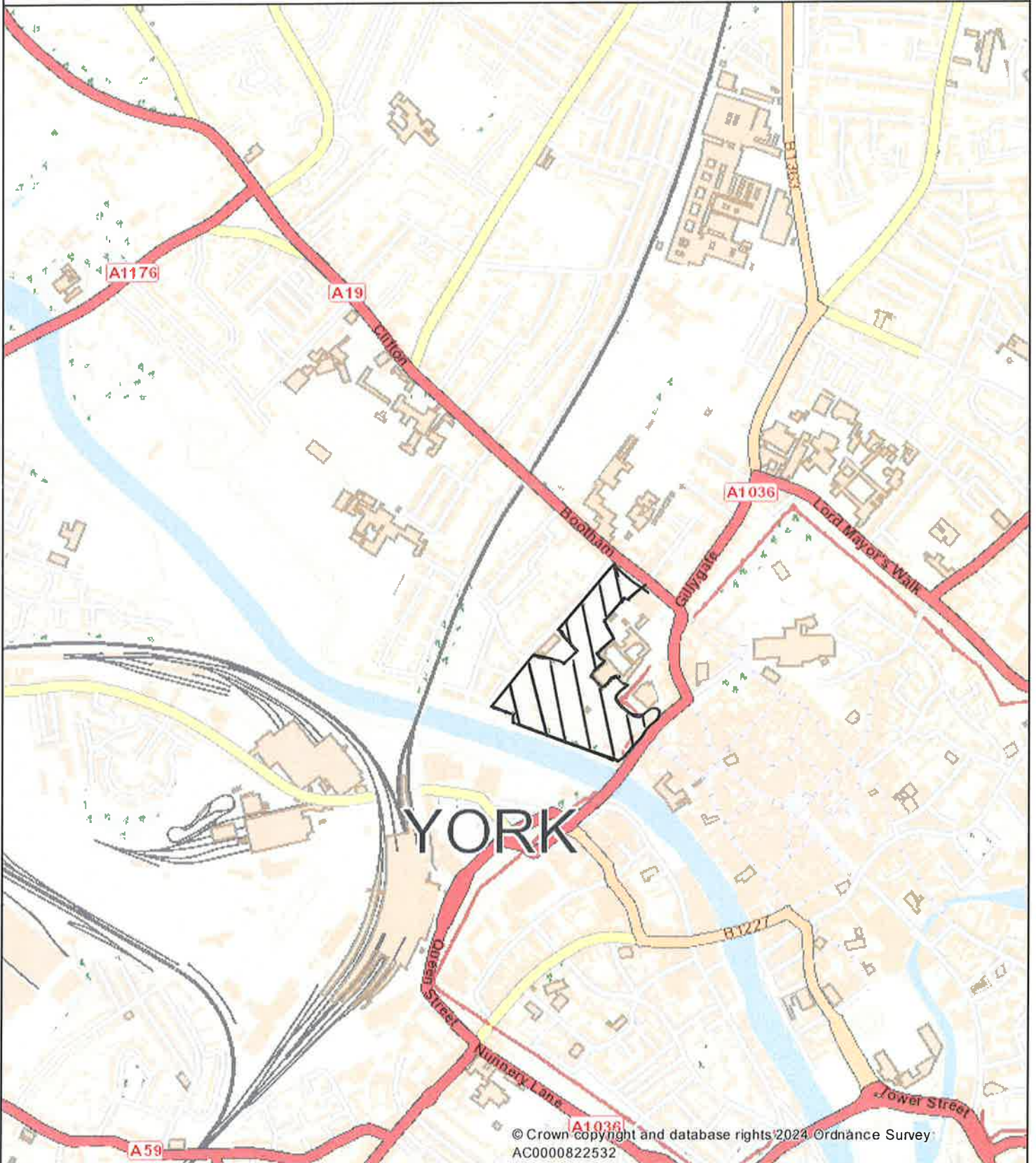


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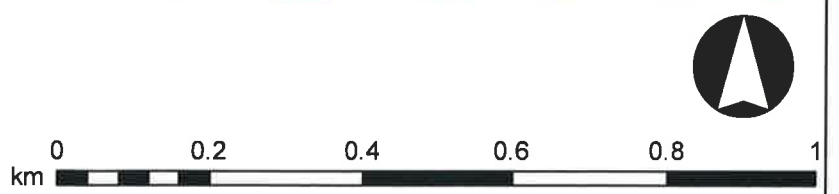


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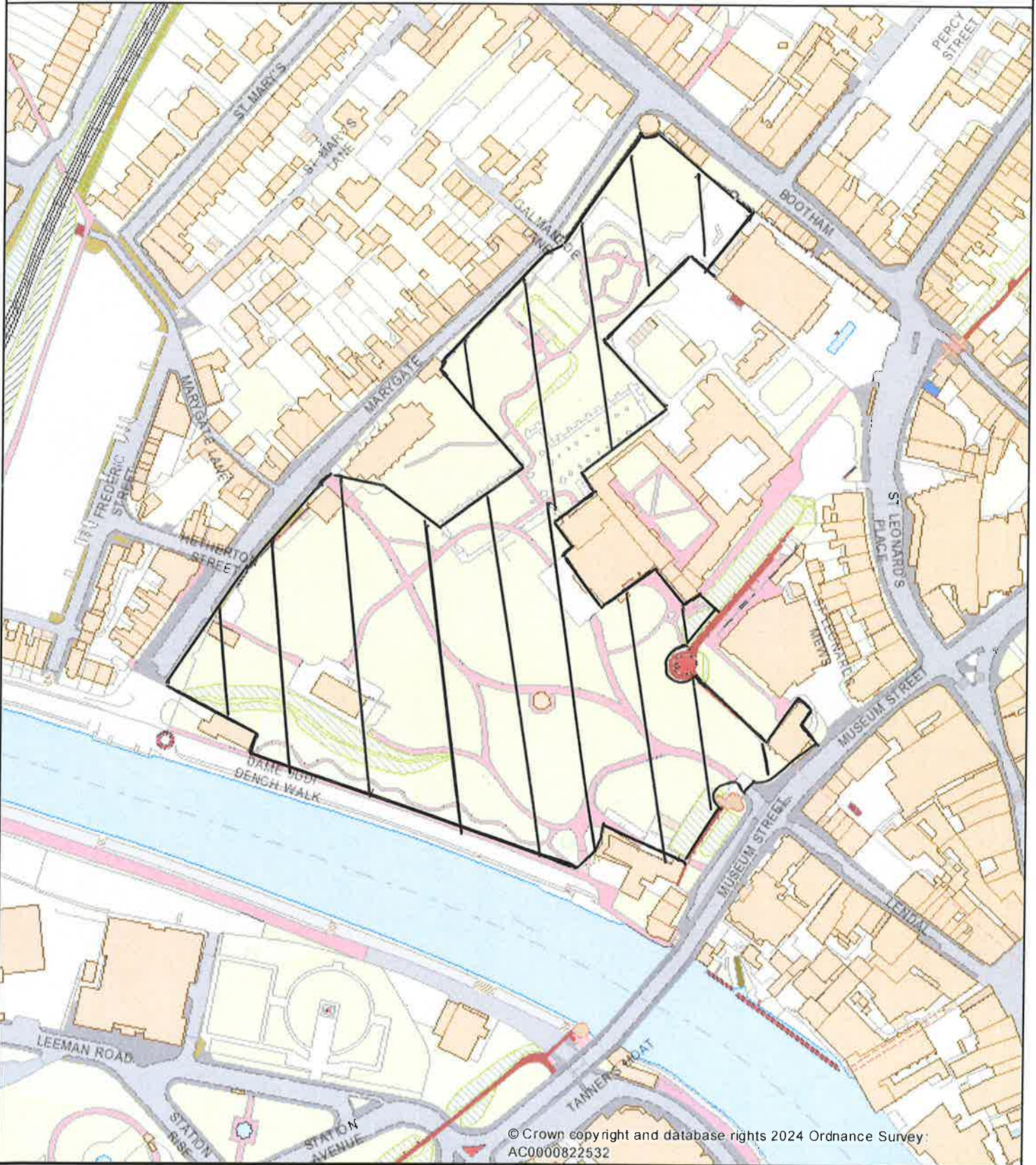
Map of area



Date: 03 Sep 2024
Author: City of York Council
Scale: 1:10,000



Map of area



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AC0000822532

Date: 03 Sep 2024

Author: City of York Council

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Legislation and Policy Considerations**Review of Premises Licence**

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s51 Application for review of premises licence; s52 Determination of application for review; s53 Supplementary provision about review.
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 advertising of reviews.
3. The following provisions of the Secretary of State's guidance apply to this application: Chapter 10 Conditions attached to premises licences and club premises certificates and Chapter 11 Reviews.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 8.0 Licensing Hours;13.0 Review of licences.
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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