



Notice of a public meeting of

Licensing/Gambling Hearing

To: Councillors Baxter, Knight, and Nicholls

Date: Thursday, 8 August 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** (Pages 7 - 8)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

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

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

4. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

5. Minutes

(Pages 9 - 28)

To approve and sign the minutes of the Licensing Hearings held on 30 May and 4 June 2024.

6. The Determination of an Application by Café Frango (Haxby Road) Ltd for Determination of Application for Premises Licence [Section 18(3) (a)] in respect of Café Frango, The Pavilion at the Cocoa Works, Haxby Road, York, YO31 8TA. (CYC-078059)

(Pages 29 - 82)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

- Telephone – (01904) 55 4447
- Email - reece.wiliams@york.gov.uk

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

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Contact details are set out above.

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Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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 (01904) 551550

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

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

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

Representations at Licensing Hearings

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

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

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

Procedure prior to the Hearing - remote and hybrid meetings

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

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

Procedure prior to the Hearing – Physical Meetings

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

Procedure at the Hearing

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

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

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

Licensing Officer

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

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

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

The Application

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

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

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

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

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

The Representations

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

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

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

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

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

Cross-examination

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

Summaries

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

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

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

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

Determination

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

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

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

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

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

Declarations of Interest – guidance for Members

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

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

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

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

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	30 May 2024
Present	Councillors Hook, Knight and Nicholls
Officers in attendance	Helen Sefton – Senior Licensing Officer Jodi Ingram – Legal Advisor

1. Chair (10:03am)

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

2. Introductions (10:04am)

Introductions were made.

3. Declarations of Interest (10:06am)

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.

4. Exclusion of Press and Public (10:06am)

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

5. Minutes (10:06am)

Resolved: That the minutes from the Licensing Hearing held on 15 April 2024 be signed and approved as an accurate record.

6. The Determination of an Application by York Racecourse Committee for the Variation of a Premises Licence [Section 35(3)(a)] in respect of York Racecourse, Knavesmire Road, York, YO23 1EX. (CYC-009168) (10:06am)

Members considered an application by York Racecourse Committee for a Variation of Premises Licence (Section 35(3)(a)) in respect of York Racecourse, Knavesmire Road, York, YO23 1EX (CYC-009168).

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

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

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

1. The application form.
2. The papers before it including the written representations received from local residents.
3. The Senior Licensing Officer's report and her comments at the Hearing.

The Senior Licensing Officer outlined the report and the annexes, noting the opening and operating times of the premises, and outlined that the Applicant had held a licence since September 2005, and that the variation of the licence was a result of a new development at the southern end of the premises, she reported that the overall capacity of the premises would remain unchanged.

The Senior Licensing Officer reported that the Applicant had made changes and removed some licensable activities from the original application, these were:

- 4 Indoor boxing/wrestling events from 10:00-00:00 per calendar year.
- Outdoor late night refreshments to be capped at 12 days per calendar year.
- A maximum of 4 Music showcase days per calendar year
- The withdrawal of the outdoor showing of films, dance, and live and recorded music.

The Senior Licencing Officer explained that the premises was not in the Cumulative Impact Area (CIA) and that the Applicant had carried out the consultation process correctly. She noted that amendments and additional conditions had been agreed with the police, as set out in Annex 4, and that Public Protection had withdrawn their representation (as seen in the update to Annex 5 in the agenda supplement), and there was therefore no remaining representations from Responsible Authorities.

She drew attention to the representations made by 43 other people at Annex 7, and the additional information submitted by the Applicant in the agenda supplement. She then advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representation at the hearing.

The Applicant's solicitor, Jonathan Smith, stated that they had removed outdoor entertainment from their application, and they were looking to stage four indoor wrestling events between 10:00-00:00 and hold 4 showcase events per calendar year. It was noted that these events had been held previously via TENS (Temporary Event Notices).

Jonathan reported that York Racecourse had invested to redevelop land at the south of the premises, removing 4-5 alcohol sale outlets, and replacing them with a pavilion, he noted that this area was already licenced to serve alcohol until 3am and that one objection had been made regarding this development. It was also noted that a canopy was being built over Bustardthorpe and that this had not received any objections.

Jonathan highlighted that they legally had to maintain a noise management plan due to the events that they have held previously and continue to hold, noise monitoring points around the premises were checked periodically during events alongside an officer from Public Protection. Jonathan stated that they had received one noise complaint in 2023 in which they found that they were within their recommended noise limits.

Jonathan concluded by saying that York Racecourse had consulted with the resident associations regarding the amendments to their application, and that this application was not in regard to extending their licenced hours of the sale of alcohol, but was concerning the sale of late night refreshments, hot food and hot non-alcoholic drinks for up to 12 occasions a calendar year. He then stated that the boxing and wrestling events would likely receive a lower attendance than their racing events and it would therefore result in an easier dispersal for guests, it was mentioned that the use of geofencing meant that Uber taxis were not able to collect guests from residential areas near the Racecourse.

In response to questions from Representors, the Applicant stated:

- One boxing/wrestling event did go on until 00:00 hours, but as detailed on page 27 of the agenda supplement, most went up to 23:30 hours, they could provide other events up until 04:00 but currently do not do this. The approval of this variation would result in them needing to rely less on TENS, so would provide more flexibility.
- Noise management plans were in place for all events, and they had to do sound checks as part of noise mitigation measures.
- Residents were informed when sound checks were scheduled.
- The Summer Ball was an indoor event that was limited by the provisions of entertainment licence, and was not subject to the variations applied for.
- Only four boxing/wrestling events were scheduled to be held, but late night refreshment of up to 12 per calendar year had been applied for to provide leeway in holding extra events if needed, such as for University of York's Students' Union.

- The Racecourse had a responsibility to inform Public Health and the Local Authority of events being held, but not residents. Jonathan suggested that they could liaise with resident associations when future wrestling and boxing events were held.
- The new Roberto Village Building had 12 four-tap beer dispensers and 24 terminals, which was a reduction from that in the original bar.

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

- Showcase events ended at 22:30 hours at the latest and bars would shut at 22:00 hours, they closed bars before the end of acts when the dispersal plan would come into effect.
- Recorded music was needed to be played on the morning of an event day to proceed with sound checks.
- The extra hour of late night refreshment as applied for would aid with dispersal.
- They had nine monitoring points around the premises, and they did a 15 minute test, if after 5 minutes it looked like the noise limit was being exceeded then they had 10 minutes to investigate it and conclude the test.

5. The representations made by local residents.

Peter Lees stated that the Chocolate Works area encompassed over 300 properties and 600 residents, including a care home and brain injuries hospital. He noted that the area had changed over recent years and was now more densely populated. He noted that the Racecourse's plans to build a new bar and increase alcohol consumption meant that more noise would be made and there was no evidence that public nuisance would be reduced.

Steve Davenport noted that Chocolate Works was a quiet development and the Racecourse had previously sent letters alerting residents of potential noise, which showed that this could happen. He stated that noise was an issue with guests leaving the Racecourse, and with vehicle noise from taxis.

Norma Rees spoke on how the area had changed over the years with new developments having been built. She stated that the application showed an unacceptable level of public nuisance, and that the Racecourse was turning the south bank into a late-night venue. She commented that provisions of busses and taxis were inadequate, and people used anywhere possible to park, sometimes in residents own parking spaces. She described how taxis blocked up roads and how those who attended events and then waited for taxis caused nuisance. Norma concluded by stating that York Outer and York Centre's police statistics show the area to the east of the Racecourse saw a threefold offence-increase during the five month period in which events were held at the Racecourse compared to the months in which events do not occur.

Tony Howard referred the Sub-Committee to his written representation in the agenda and noted that his thoughts had already been stated by previous representors.

Peter Lees was then given the opportunity to sum-up his case and explained that the Racecourse was looking at longer hours which would cause more noise, and increase levels of public nuisance.

Norma Rees was then given the opportunity to sum-up her case and stated that public nuisance had not been mitigated in the application, and the Racecourse could not manage people once they disperse the premises.

Steve Davenport was then given the opportunity to sum-up his case and this opportunity was refused.

Tony Howard was then given the opportunity to sum-up his case and this opportunity was refused.

The Applicant was then given the opportunity to sum-up their case and Jonathan explained that they had regular meetings with residents which included the attendance of three local Councillors. He then described how bus shuttles, parking marshals, and geofencing for Uber taxis were provided during events, as well as a noise management plan being in place to mitigate public nuisance.

Jonathan stated how the Racecourse already had permission to serve alcohol to 03:00 hours but that they did not use this, and that the area of which was being built upon was already used to serve alcohol.

He confirmed that there was no police objection to their application, late night refreshments would aid dispersal, and that all suggested events matched their noise management plan. He confirmed that there was a police presence on the premises to aid crime and disorder, and that consultation had been made with Environmental Health and their representation had been withdrawn.

Jonathan concluded by stating that they were not looking to extend their sale of alcohol hours, only to extend the hours of which they could sell hot food and non-alcoholic hot drinks.

In respect of the proposed licence, the Sub-Committee had to determine whether the variations applied for would undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 35(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Modify the conditions of the licence.

Option 2: Reject the whole or part of the application and for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition is added.

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

- The Plans attached to the Premises Licence be amended as requested in the application.
- Provision for the staging of up to 4 indoor boxing/wrestling events between 10:00 and 00:00 be held per calendar year.
- Provision of late night refreshment outdoors between 23:00 and 00:00 up to 12 days per calendar year.
- The additional conditions agreed with North Yorkshire Police as set out in Annex 4 of the agenda.

- The additional condition agreed with Environmental Health and set out in the updated Annex 5 of the agenda, in the agenda supplement.

Save as varied above, the existing conditions on the licence shall apply in all respects.

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

Reasons for the Decision

The Sub-Committee carefully reviewed all the information presented from all parties in light of the licensing objectives and having regard to the S182 Guidance and the Statement of Licensing policy varied the licence with modified/additional conditions imposed by the Sub-Committee, for the following reasons:

1. The Sub-Committee noted the scope of the variation and that it was only the impact of the proposed variations to the premises licence which could be considered.
2. The Sub-Committee had regard to the s182 guidance and noted that the police are their main source of advice on matters relating to crime and disorder. The Sub-Committee considered that the lack of objection to the proposed variation by the police carried great weight.
3. The Sub-Committee gave great weight to the fact that the Environmental Health officer had withdrawn their objection. The Sub-Committee had regard to the s182 guidance and noted that the responsible authorities are the expert in their field.
4. The Sub-Committee considered the representations regarding crime and disorder and public nuisance. The Sub-Committee sympathise with the issues that the residents experience but acknowledged that they are limited to considering the impact of the proposed variations on the licencing objectives. The Sub-Committee also noted the limitations of the licensing authority and the license holder to control the area beyond the immediate area surrounding their premises and noted

that people are personally responsible for their own actions under the law.

5. The Sub-Committee were reassured by the measures that were in place to mitigate public nuisance including the extensive noise management plan, additional toilets, litter picking, additional marshals and the uber geo fencing and additional signage. The Sub-Committee were reassured by the fact that the boxing events that had already taken place under the Temporary Event Notice had not given rise to any complaints. The Sub-Committee considered the provision of late night refreshment would not undermine the licensing objectives.
6. The Sub-Committee are sympathetic to the concerns expressed by the residents, having very carefully considered all of the evidence before it, the Sub-Committee considered that it had received sufficient assurances from the Applicant in order to be satisfied that the variations now sought by the Applicant and set out at the committee in addition to the additional conditions agreed with the Police and Environmental Health Officer were appropriate and proportionate to promote the licensing objectives. The Sub-Committee did not find any evidence to justify a refusal of the application and it was felt that further conditions would not be necessary in order to promote the licensing objectives.
7. Accordingly, it was felt that the decision of the Sub-Committee was justified as being appropriate and proportionate for the promotion of the licensing objectives.
8. The Sub-Committee wished to note that they encouraged the Applicant to notify the residents via the Residents' Associations of upcoming events in order to continue to foster good neighbourly relations.

Cllr Hook, Chair

[The meeting started at 10.03 am and finished at 1.00 pm].

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Meeting	Licensing/Gambling Hearing
Date	4 June 2024
Present	Councillors Cuthbertson (Vice-Chair), Rose and Smalley
In Attendance	Lesley Cooke (Licensing Manager) Jodi Ingram (Senior Lawyer)

1. Chair (3.00pm)

Resolved: That Cllr Cuthbertson be elected to chair the hearing.

2. Introductions (3.01pm)

Introductions were made.

3. Declarations of Interest (3.07pm)

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.

4. Exclusion of Press and Public (3.08pm)

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

5. Minutes (3.08pm)

It was confirmed that the minutes of the he Licensing Hearing held on 15 April 2024 were approved and signed at the Licensing Hearing on 30 May 2024.

6. The Determination of an Application by Joseph Moore for a Premises Licence (Section 18(3) (a) in respect of 14 Clifford Street, York, YO1 9RD (CYC-077680) (3.08pm)

Members considered an application by Joseph Moore for a Premises Licence (Section 18(3) (a) in respect of 14 Clifford Street, York, YO1 9RD (CYC-077680)I.

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

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

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

1. The application form.
2. The papers before it including the written representation received from a local resident.
3. The Licensing Manager's report and her comments at the Hearing.

The Licensing Manager outlined the report and gave an overview of the application. She noted that the Applicant had removed sports and dance from the application. She advised that the premises was in a basement and noted that annexes to the report. She apologised for an error in the report and confirmed that the premises was located within the cumulative impact assessment area. She noted that the Applicant had agreed conditions with the police and public protection. She detailed the options available to the Sub-Committee in their determination of the application and she highlighted the agenda supplement provided by the Applicant. She was asked if the premises was near residential properties and explained that there are residential properties in Low Friargate, the opposite side of Clifford Street and on King's Staith.

4. The Applicants representation at the hearing. The Applicant explained that the premises was located in a

basement bar predominantly used by the guests of the eleven flats above. The Applicant added that he had two holiday lets in the city centre and would like those guests to use the basement bar. The Applicant explained that the bar would have a maximum capacity of 70-80 people and if the flats were full there would be 72 people in the flats which would predominantly make up the customers using the bar and that they would leave the bar internally. The Applicant noted that although not all of the 72 people would use the bar, the customers staying in the two other city centre flats may use it. On the premises plan the Applicant showed where external guests would leave and the Applicant explained that external guests would not have access to the stairs next to the lift shaft used by the holiday flats.

the Applicant explained that he had experience of holding a premises licence for 20 years and had received no complaints in that time. the Applicant noted that you currently had a premises licence for a café bar and had not had any complaints. the Applicant explained that this licence was for trying to offer alcohol and coffee like a hotel. the Applicant explained that the entrance door for non-guests would not be open to the public and was for guests of the premises and pre booked guests.

Regarding the concerns expressed by RidingLights Theatre Company about noise, the Applicant explained that there was 18m from the bar to outside. the Applicant added that he would install a soundproof door after the toilets to keep noise in the corridor. the Applicant described the building and confirmed that the basement bar has an architect shop and estate agents above. The flats with guests being two floors above the basement. the Applicant noted that the bar would not serve draft beers and would serve bottled beer. the Applicant added that most of the noise would be in the bar area and there would be two soundproof doors. the Applicant confirmed that he had agreed with the Public Protection Officer's recommendations.

The Applicant was then asked a number of questions to which he responded that:

- The bar would not be doing food and he wanted the off sales for guests to take alcohol to their rooms.

- Regarding the measurements on the plan, he did not know if the plan was to scale. Using the plan he showed how big the rooms were.
- Bookings would be managed through the booking app used for the flats, at the time of booking, guests would be offered the facility to use the bar. Bookings could be taken up to 12 months in advance.
- If there was an outside booking this would be a 3 hour booking.
- Lights would be installed down the alley way.
- Children would be allowed in the bar and he would be happy to impose a limit of allowing children in the bar up to 7pm. [At this point the Licensing Manager advised that the law allows children under the age of 18 to remain up to midnight on licensed premises]. The Applicant added that he would be happy to accept a condition of children staying in the accommodation staying in the bar until 7pm.
- There would be signs on the exits asking customers to leave quietly.
- The bar would not work if he could not control who was in the bar and he was trying to keep as little impact as possible on residents.
- The bar probably wouldn't open late all nights and probably only 80% of the time operate on Friday and Saturdays.
- He would be open to lower the time of the sale of late night refreshments.
- Regarding what would happen for guests if the bar was already booked, this would be based on the capacity in the bar.
- He would be happy to have a condition the use of a number counter.
- The people staying in the apartment would have the same booking option as the two other external apartments.
- The number of guests in the apartments was 72 and the capacity of 100 was based on fire safety.
- Regarding hot refreshments there would be coffee and no food.
- He had premises in Stonegate and Blossom Street and for the Blossom Street one may do a package starting in the basement bar.

- Concerning bottles in the bin store, the bin store was 1m x 2m and bottles would be tipped out internally and the bins would be sorted internally.
- The fire officer set the capacity at 100 people and he didn't believe that this would be 100 people and he would be happy to have a capacity at 80 people.
- He was happy for the soundproof door to be a condition and this was on the advice of public protection to have a soundproof door after the toilets. [At this point the Licensing Manager advised that there would need to be an amended plan to show the soundproof door].

In response to a Member questions the Licensing Manager was asked and explained that:

- The site was previously a pizza hut but she was not sure if the basement was used. She added that 14a Clifford St was previously Fiesta Mexicana which had a basement and the basement for 14 Clifford St was not licenced previously.
 - Public protection were happy with the bin store and the bins would normally be taken out the day before the bins were collected. The Applicant then noted that he was happy to agree to the door being shut when the bins were being emptied.
5. The representations made by Anthony May. He explained that there should be less stringent public use of the bar and asked if the whole building could be used as a hotel. He noted that he would like CCTV to be kept working. He asked whether it would be reasonable to add door staff. He endorsed the idea of keeping the bottles inside.

Closing points were then made in Anthony May explained that he accepted that the bar was largely for the use of residents would not have an open door. Regarding public disorder, he acknowledged that there was not much the Applicant could do about it and that it was a cumulative effect.

In the Applicant's closing points he noted that he had agreed with the recommendations of the Licensing Authority and Public Protection Officer and had taken into consideration the bin store, which was why it was located internally. the Applicant noted that the majority of people

leaving the premises would be guests going up to the apartments.

In response to a further question the Applicant confirmed that the off sales would be to people on the premises.

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

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.
- Option 5: Reject the application. This option was **rejected**.

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

Activities and Timings

Films – indoors 10:00 to 01:00 everyday

Live Music – indoors 10:00 to 01:00 everyday

Recorded Music - Indoor 10:00 to 01:00 everyday

Late Night Refreshments – 23:00 to 01:00 everyday

Supply of Alcohol – on and off the premises 10:00 to 01:00 everyday
Opening Times 10:00 to 01:30 everyday

Additional Conditions

- A sound proof door to be installed in the corridor between the external entrance leading to the passageway adjacent to the Friargate Theatre and the fire door leading to the lift and stair area. The position of the sound proof door is to be marked on the plan.
- No person under the age of 18 in the licenced premises between the hours of 21:00 – 1:30.
- The external door opposite the internal bin store is to be kept closed when glasses/bottles are being emptied into the internal bin store.
- The additional conditions agreed with North Yorkshire Police as set out in Annex 3 of the agenda.
- The additional condition agreed with Environmental Health as set out in Annex 4 of the agenda.

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

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

Reasons for the decision

The Sub-Committee carefully reviewed all the information presented from all parties in light of the licensing objectives and decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the sub-committee, for the following reasons:

1. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
2. The Sub-Committee noted that the premises was located within an area where a cumulative impact policy applies. The Sub-Committee had regard to the Cumulative Impact Assessment 2022-2025.

3. The Sub-Committee had regard to the location of the premises and noted its position underneath business and eleven holiday apartments.
4. The Sub-Committee has regard to the applicant's application and representations and noted that the premises was a basement bar primarily intended for use for guests from the holiday apartments above and two other holiday apartments in the city centre. The Sub-Committee were reassured that the premises would not be seeking to invite passing trade from the street, that the entrance/exit for non-residents is in a discreet location and that any non-residents will be subject to an advanced booking procedure. The Sub-Committee were reassured by the applicant's attitude and willingness to engage with the responsible authorities.
5. The Sub-Committee considered the representor's representations. The Sub-committee gave careful consideration to the representations made regarding the public nuisance and the crime and disorder licensing objectives. The Sub-Committee acknowledged the concerns regarding noise nuisance, and the impact on surrounding businesses and residents. On consideration of the representations the Sub-Committee were satisfied that the grant of the licence with the imposition of the additional conditions would not undermine the licensing objectives.
6. The Sub-Committee noted that the Police and Public Protection had withdrawn their representations as additional conditions had been agreed with the applicant. This reassured the Sub-Committee that there would be no impact on the cumulative impact being experienced and that the prevention of crime licensing objective would not be undermined, accordingly they considered that this carried great weight.
7. The Sub-Committee were satisfied, based on the evidence before it, that the grant of the licence with the additional conditions would not have an impact on the cumulative impact being experienced and would not undermine the licensing objectives. Accordingly, it was felt that the decision of the Sub-Committee was justified as being appropriate and proportionate for the promotion of the licensing objectives.

, Chair

[The meeting started at Time Not Specified and finished at Time Not Specified].

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Licensing Act 2003 Sub Committee

8 August 2024

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Café Frango, The Pavilion at the Cocoa Works, Haxby Road, York, YO31 8TA

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 078059
3. Name of applicant: Café Frango (Haxby Road) Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at newly built pavilion in the grounds of the Cocoa Works.

Proposed Activity	Timings
Supply of Alcohol – on & off the premises	08:00 to 23:00 everyday
Opening hours	08:00 to 23:00 everyday

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.
7. The premises is described in the application as a newly constructed glass and steel pavilion in the grounds of the Cocoa Works on Haxby Road. Accommodation is circa 2000 square feet which include the serving area, café and ancillary events space.

8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

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

10. **General**

- a. Will be an inclusive food led venue, so drinking is an additional rather than core offering.
- b. The below measures will be implemented, all staff will require adequate training to ensure the licensing objectives are met.

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

- a. Training given to staff in crime prevention and drug awareness measures.
- b. Plenty of seating to limit vertical drinking.
- c. Agree measures with the police to reduce crime and disorder.
- d. Do not serve anyone who appears drunk or underage.
- e. Effective CCTV

12. **Public Safety**

- a. Provision of CCTV.
- b. Fire evacuation procedures in place.
- c. Free water available.
- d. Premises supervisors to be adequately trained in Health and Safety (and be compliant).

13. **The Prevention of Public Nuisance**

- a. Adequate procedures in place regarding noise, litter, and opening hours.
- b. Not to adversely affect residents.
- c. Wind down period at close of play, reducing noise.
- d. No glass to be emptied in bins after 9pm on an evening.
- e. External doors to be kept shut especially when entertainment is taking place.
- f. Notices to ensure customers leave quietly.

14. The Protection of Children from Harm

- a. Limit hours children can be present, or ensure they are occupied by an adult.
- b. Challenge 21 policy – suitable proof of age policy in place, only accepting ID with PASS logo.
- c. Ensure staff are vigilant and aware of potential risks to children.
- d. Ensure children are in sight and care of their parent.

Special Policy Consideration

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

Consultation

16. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition, the relevant ward councillors and/or parish council were notified by way of register.
17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

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

Summary of Representations made by Other Parties

19. There has been one relevant representation received from other persons. The list of representors is attached at Annex 4.
20. The representation is predominantly based on the grounds of the prevention of public nuisance and prevention of crime and disorder

objectives. They state that this objective(s) will be undermined if the application is granted.

21. A copy of the representation is attached at Annex 5.
22. A map showing the general area around the venue is attached at Annex 6.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

Options

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

Analysis

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

35. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

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

37. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications, the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the priority for a fair, thriving, green economy for all.

38. Implications

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.

- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

39. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation, and potential financial penalty.
40. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

41. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

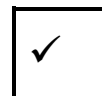
Contact Details

Author:
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 55 1515

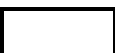
**Report
Approved**



Date 24 July 2024

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

Wards Affected: Guildhall Ward



For further information please contact the author of the report

Background Papers: None.

Annexes:

Annex 1 - Application form

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

Annex 3 - Conditions agreed with North Yorkshire Police

Annex 4 - List of Representors (CONFIDENTIAL)

Annex 5 - Representations

Annex 6 - Map of area

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy

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CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, Y010 3DS

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We LAKE TECHNO (HARBY ROAD) LIMITED
(insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>THE BUILDING AT THE CRODA WORKS HARBY ROAD</u>	
Post town <u>YORK</u>	Post code <u>YO31 8TA</u>

Telephone number of premises (if any) 01904 202 821

Non-domestic rateable value of premises £ NEWLY BUILT

Part 2 – Applicant Details

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

Please tick yes

Date of Birth I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

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

(B) OTHER APPLICANTS

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

Name	CAFE FRANCO (HARBY ROAD) LIMITED
Address	FRANK COVE MONKS CROSS DRIVE YORK YO32 9LZ
Registered number (where applicable)	157 125 63
Description of applicant (for example, partnership, company, unincorporated association etc.)	limited company
Telephone number (if any)	07
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	7	2024

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

Day	Month	Year

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

Newly constructed glass & steel pavilion in the grounds of the local works on Harby Road. Accommodation in total circa 2,000 sq ft, inclusive of seating area, cafe & 'cavalry' events space.

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

/

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

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

Please tick yes

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors
Day	Start	Finish		Outdoors
Mon			Both	<input type="checkbox"/>
Tue				<input type="checkbox"/>
Wed				<input type="checkbox"/>
Thur				<input type="checkbox"/>
Fri				
Sat				
Sun				

			Please give further details here (please read guidance note 4)
			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 6)

E

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

F

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

G

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

H

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

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	18:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5) None	Both	<input checked="" type="checkbox"/>
Tue	18:00	23:00			
Wed	18:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6) None		
Thur	18:00	23:00			
Fri	18:00	23:00			
Sat	18:00	23:00			
Sun	18:00	23:00			

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

Name Edward Huxter

Address

Postcode

Personal licence number (if known)

CYC-067304

Issuing licensing authority (if known)

YORK

K

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

None. Is situated between two buildings, set in some landscaped gardens - so very safe.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) <i>None - likely shorter hours than stated monthly at the start of the week + Sunday</i>
Day	Start	Finish	
Mon	0900	2300	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)
Tue	11	21	
Wed	11	21	
Thur	11	21	
Fri	11	21	
Sat	11	21	
Sun	11	21	

M

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

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

Will be an inclusive 'food & drink' venue so drinking is an add-on, rather than core activity.
The below measures will be implemented - all staff will require adequate training to ensure licence objectives are met.

b) The prevention of crime and disorder

Training given to staff in crime prevention + drug awareness measures
Plenty of seating to limit vertical drinking
Agree measures with the police to reduce crime + disorder
Do not serve anyone who appears drunk or under age.
Effective CCTV

c) Public safety

Reason of CCTV
Fire evacuation procedures in place
Free availability of water
Premises supervised to be adequately trained in Health + Safety (and compliance)

d) The prevention of public nuisance

Adequate procedures in place regarding noise/litter during hours
not to adversely affect residents - litter prevention
wind down period at close of play - reducing noise
No bin (lights) after 9pm on an air.
External doors to be shut especially when entertainment is showing
Measures to ensure customers leave quietly

e) The protection of children from harm

Limit hours children can be present, or ensure they are accompanied by an adult
Challenge 21 - suitable proof of age policy in place, only accepting ID with photo tags
Licensing staff are vigilant + aware of potential risks to children
Licensing children are in sight + care of their parent.

Checklist

Please tick to indicate agreement

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

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


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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]</p> <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).
Signature	
Date	23.5.24
Capacity	DIRECTOR

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

Signature	
Date	
Capacity	

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

Notes for Guidance

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

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

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

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

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

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

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

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

They do this in one of two ways:

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

Home Office online right to work checking service

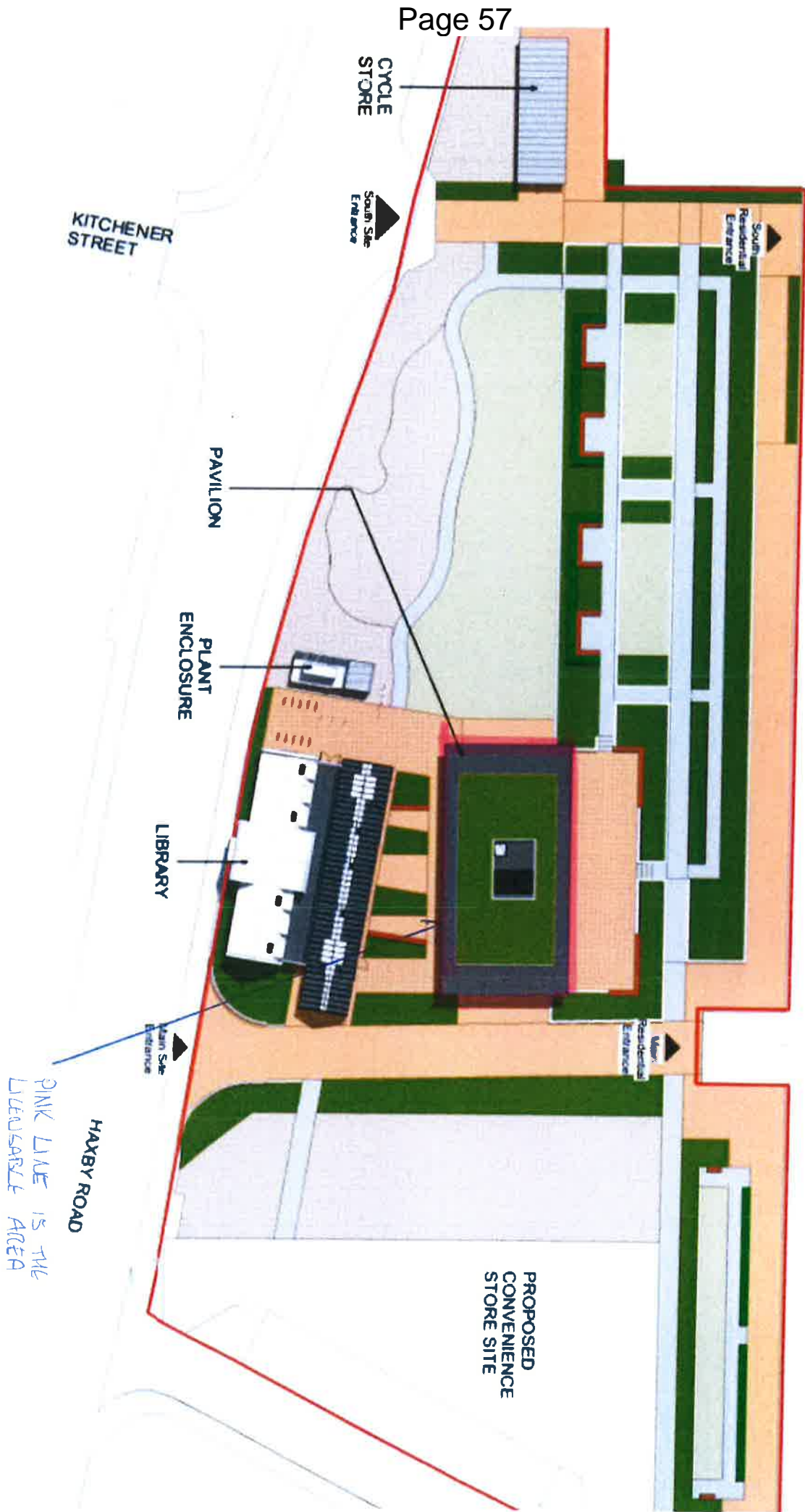
As an alternative to providing a copy of original documents, stated above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

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

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

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

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



PINK LINE IS THE LIENSABLE AREA

HAXBY ROAD

KITCHENER STREET

PROPOSED CONVENIENCE STORE SITE

CYCLE STORE

PAVILION

PLANT ENCLOSURE

LIBRARY

Residential Entrance

South Site Entrance

Residential Entrance

Main Site Entrance

- - - Planning application boundary
- - - Site boundary
- - - fence line delineating semi-private and public realm space

LEISURE AREA

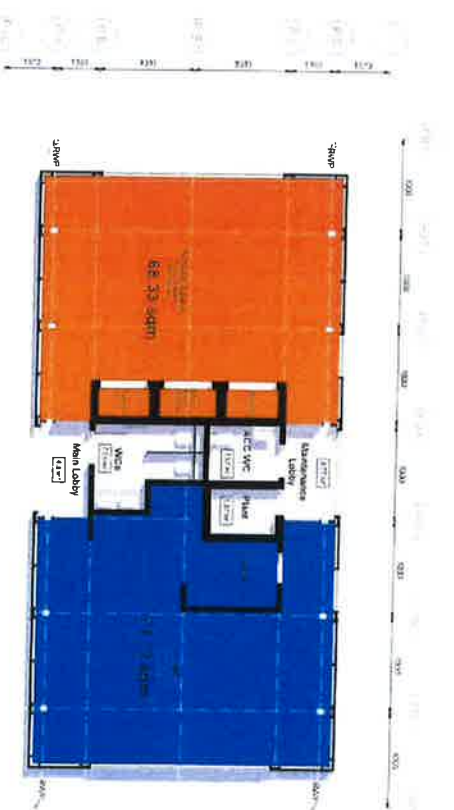


GROUND FLOOR - ALL DUE LEVEL



PAVILION - Ground Floor - NIA (Building)

Activity Space:	64.14 sqm
Stair	1.72 sqm
Stair Riser Access	1.72 sqm
Stair DZ	1.72 sqm
Acc WC	3.87 sqm
WCs	7.55 sqm
Main Lobby	3.07 sqm
Main Lobby	4.90 sqm
Main Lobby	4.77 sqm
Main Lobby	17.09 sqm
Kitchen & Servery	54.18 sqm
Total:	164.87 sqm



PAVILION - Ground Floor - NIA (Future Tenant)

Total Activity Space	58.33 sqm
Total Cafe	71.12 sqm
Total:	139.45 sqm

- KEY**
- S - Smoke DGT
 - FAP - FIRE ALARM PANEL
 - X - FIRE EXTINGUISHER
 - XX - FIRE EXTINGUISHER WITH CHARGING
 - B - FIRE BRACKET

ORIGINAL CONTRACT SPECIFICATIONS

1. The building is to be constructed in accordance with the Building Code of Australia (BCA) and the relevant Australian Standards (AS).

2. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the materials and workmanship to be used.

3. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the fire resistance of the building.

4. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the structural requirements of the building.

5. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the environmental requirements of the building.

6. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the accessibility requirements of the building.

7. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the energy efficiency requirements of the building.

8. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the sustainability requirements of the building.

9. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the health and safety requirements of the building.

10. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the security requirements of the building.

11. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the noise and vibration requirements of the building.

12. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the air quality requirements of the building.

13. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the water and wastewater requirements of the building.

14. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the electrical and telecommunications requirements of the building.

15. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the mechanical and plumbing requirements of the building.

16. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the fire and smoke requirements of the building.

17. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the safety requirements of the building.

18. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the security requirements of the building.

19. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the sustainability requirements of the building.

20. The building is to be constructed in accordance with the relevant Australian Standards (AS) for the health and safety requirements of the building.

MAWEDON ARCHITECTS
 ARCHITECTS
 100/102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.



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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

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

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

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

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

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

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

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

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Conditions Agreed with North Yorkshire Police

1. The premises shall operate predominantly as a café /food led premises and not as a vertical drinking establishment.

2. All sales of alcohol between 08:00 and 11:00 hours daily will be ancillary to food.

3. There shall be a minimum of 28 seats provided at all times for customer use inside the premises when the premises is trading.

4. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.

- It will be maintained, working and recording at all times when the premises are open.
- The recordings should be of good evidential quality to be produced in Court or other such hearing.
- Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
- Copies of the recordings will display the correct time and date of the recording.
- It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

5. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- operation of the CCTV system (including the downloading of evidence – specific staff only);
- 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.

6. An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- all crimes reported to the venue

- any complaints received regarding crime and disorder
- any incidents of disorder
- any faults in the CCTV system
- any refusal of sale of alcohol
- any visit by a relevant authority of emergency service

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

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

8. 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.

9. No open drinks containers shall be taken out of the licensed premises or (licensed area) onto the pavement or highway, with the exception of the outside area as detailed on the premises plan.

10. All off sales of alcohol shall be in sealed containers.

11. No external area at the premises shall be used after 21:00 hours.

12. All tables and chairs in the outside licensed area shall be stacked immediately after 21:00hrs and stored away securely at the premises when closed.

13. All Doors and windows shall be kept shut after 21:00 hours daily and during the playing of amplified music and other entertainment, except for entry to and egress from the premises.

14. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

PC 1520 Sam Bolland

Police Licensing Officer Selby & Outer York

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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From: [REDACTED]
Sent: Tuesday, June 4, 2024 1:32 PM
To: licensing@york.gov.uk
Subject: Re: Query about application for premises license

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.

Thanks Helen, as noted below my concern relates to the potential for public nuisance given the proximity of the premises to a large residential development. The attached photograph shows just how close it is - this is the view from my bedroom window. There is a 25 metre span between the wall / windows of the residential building and the glass walls of the Pavillion. Noise already carries from street level to open windows and I fear that once the Pavillion is operating as proposed, I and other residents will be unable to have our windows open at night.

I am on the 5th floor - there are five floors below me (including ground level) and one above. Of the approx. 270 residences in the Cocoa Works building, I estimate that between 85 and 100 have windows on this side of the building, overlooking the Pavillion. Due to previous building delays, a number of the residences on the lower floors are not yet occupied. Therefore those leaseholders, who are in even closer proximity to the Pavillion, and who are already committed to purchase via exchange of contract, are unlikely to see the notices about the application and will have no opportunity to make representations. (There has been no communication at all from the freeholder beyond previous statements that the venue would be a café.)


This may be an excellent facility for residents of the Cocoa Works and the local community. My concern is not with the proposed use of the venue, or with the sale of alcohol per se, but rather with the open ended nature of the application which seeks a license to sell alcohol for consumption both on and off the premises until 23:00, seven nights a week. I see the applicant has stated that operating hours are likely to be shorter. Surely they should apply for a license only to cover the days / hours they intend to operate. The location of the premises within privately maintained landscaped gardens, with seating areas in close proximity to residence windows, surely makes it inappropriate to sell alcohol for consumption off the premises.

I see also that the applicant has stated noise will be reduced through closing external doors, especially when entertainment is showing (section M(d) on the application). However, the application does not appear to cover licensing for entertainment, i.e. no live or recorded music has been indicated. I worry that the applicant may not have been wholly transparent about their plans for the venue.

A further concern which does not affect me directly but which the Council may wish to consider, is the potential impact on parking in the surrounding residential streets. There is permit parking only at the Cocoa Works and no visitor parking spaces available.

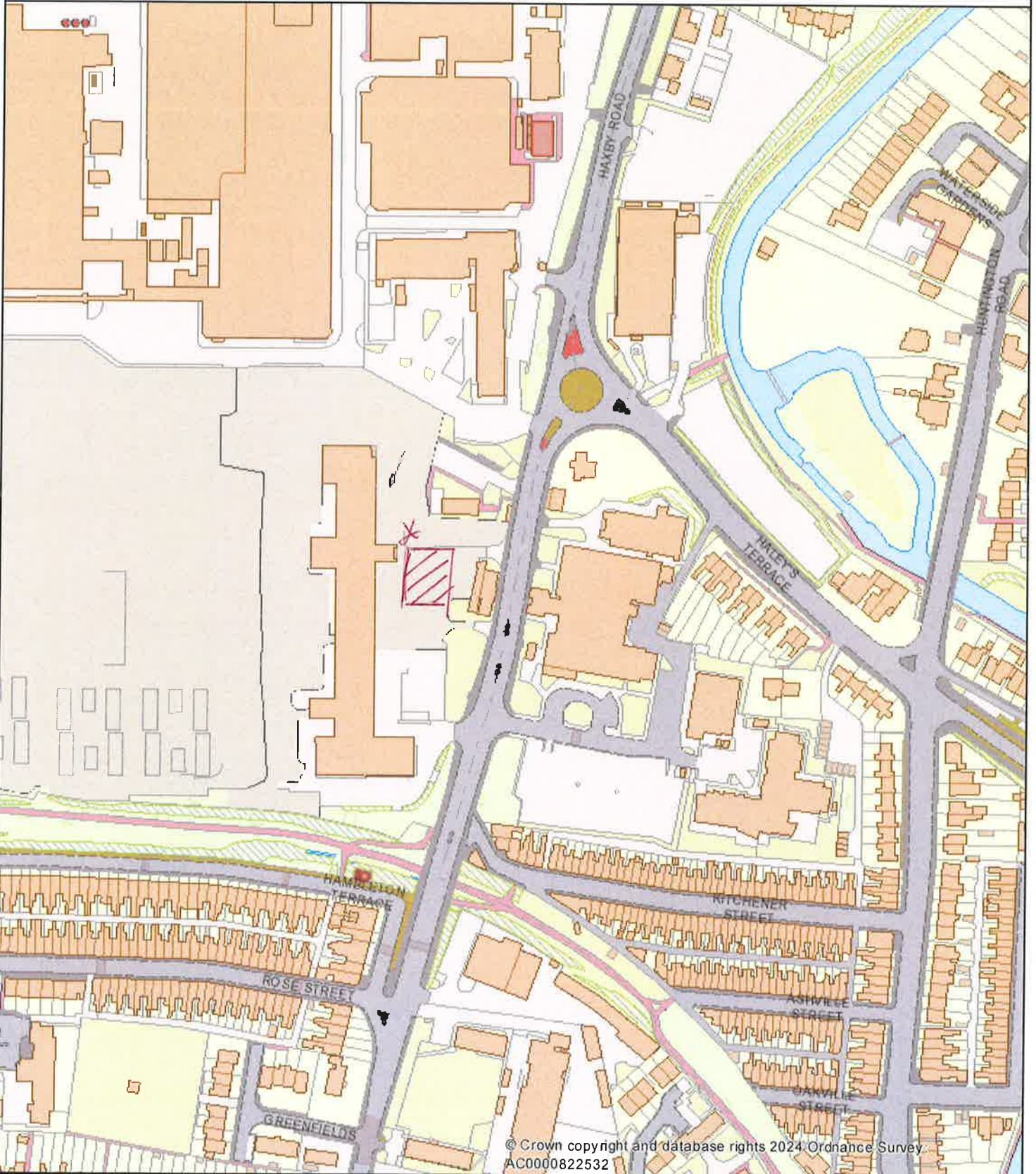
With thanks again for your time and consideration,



 Mint, The Cocoa Works
Haxby Rd, YO31 8AE



Annex 6 - Map of area



Date: 17 Jul 2024

Author: City of York Council

Scale: 1:2,500

** [hatched box] case approximate area*



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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

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

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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Licensing Hearing 8 August 2024

Café Frango

Additional documents submitted by Representor

- Photos taken by the representor to show the proximity of the premises to people's living accommodation:
 - i. Photo 1: Photo taken directly outside one of the ground floor apartments looking over to the pavilion.
 - ii. Photo 2: Photo taken from outside the pavilion looking back to the apartments across the outside dining area.

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PHOTO 1



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PHOTO 2



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