

Licensing Hearing

Nexus

To: Councillors Nimmo, Hall and Hyman

Date: Thursday, 26 October 2006

Time: 10.00 am

Venue: The Guildhall, York

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 5 & 6 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by Mr L Judson & Mr R Brown for Determination of Application for Premises Licence on Section 18(3)(a) in respect of Nexus, 25 Tanner Row, York, YO1 6JP. (CYC-012194)

DUE TO THE SIZE OF THE PLANS, THESE ARE ONLY AVAILABLE FOR INSPECTION - PLEASE CONTACT MELANIE CARR ON (01904) 552061 TO ARRANGE THIS THE PLANS WILL BE ON DISPLAY AT THE HEARING

If you require any further information, please contact Melanie Carr on Tel 01904 552061 or Fax 01904 551035 or email melanie.carr@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee
Licensing Officer
Legal Services
Applicant
Representors
Press, Libraries, Council Receptions

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Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than** 10.00 am on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 613161 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話(01904) 613161。

کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to; and
- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

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

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, 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.

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. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

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

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. 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.

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

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

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

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

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 the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties

13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. 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 wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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Licensing Act 2003 Sub Committee

26 October 2006

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Nexus, 25 Tanner Row, York, YO1 6JP**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-012194.
3. Name of applicant: Mr Lindsay Judson & Mr Russell Brown.
4. Type of authorisation applied for: Grant of premises licence.
5. Summary of application: The nature of the application is to substantially increase the overall area of the current premises and seeks to increase the maximum occupancy of the premises from 600 persons to 1750 persons.

Background

6. This premise already operates under a premises licence issued under the Licensing Act 2003. A copy of the existing licence is attached at Annex 1.
7. A copy of the application is attached at Annex 2.

Promotion Of Licensing Objectives

8. A comprehensive operating schedule submitted by the applicant shows how the licensing objectives will be met. Full details of the operating schedule form part of the application.

Special Policy Consideration

9. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The special policy was approved by the licensing committee on 1 April 2005 and

considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 9.

Consultation

10. 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.

Summary of Representations made by Responsible Authorities

11. A representation has been received from North Yorkshire Police relating to the crime and disorder and prevention of public nuisance licensing objectives. This is attached at Annex 3.

Summary of Representations made by Interested Parties

12. Representations have been received from the interested parties listed at Annex 4 (confidential). Their representations are attached at Annex 5.
13. The addresses of the interested parties are indicated on the map attached as Annex 6 (confidential). A further map indicating the general area from which representations were received is attached at Annex 7. The representations were received from the Micklegate, Toft Green, Tanner Row and Bishophill areas of York. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
14. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Options

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

19. Option 4: Reject the application.

Analysis

20. The following could be the result of any decision made this Sub Committee:-
21. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
22. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
23. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Objectives

25. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
26. These directly contribute to the Council's Safer City priority and corporate aim 4.
27. In addition the licensing objectives of public safety and prevention of public nuisance contribute towards corporate objective 1.4 – protection of residents from pollution, public health and safety hazards.

Implications

- 28.
- **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
 - **Information Technology (IT)** – N/A

- **Property** – N/A
- **Other** – none

Risk Management

30. In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
- 31 Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the objectives of this report.

Recommendations

32. Members determine the application.

Contact Details

Author:

Richard Haswell
Head of Licensing & Regulation

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services (Neighbourhoods)

Report Approved ✓ **Date** 17 October 2006

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal and Democratic Services
Civic Democratic & Legal Services

Wards Affected: Micklegate

For further information please contact the author of the report

Background Papers:

- Annex 2** - Copy of existing premises licence
- Annex 3** - Application form
- Annex 4** - Representations from Responsible Authorities
- Annex 5 (Confidential)** - List of Interested Parties
- Annex 6 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 7** - Representations from Interested Parties
- Annex 8** - Map showing general area from which representations received
- Annex 9** - Mandatory Conditions
- Annex 10** - City Centre Special Policy Statement
- Annex 11** - Legislation and Policy Considerations



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009085

Postal address of premises:

Nexus
25 Tanner Row

Post town: **York**

Post code: **YO1 6HZ**

Telephone number: 01904 635144

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Live Music
Recorded Music
Performances of Dance
Activities like music/dance
Facility for making music
Facilities for dancing
Facility like music/dance
Late Night Refreshment
Supply of Alcohol

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

LIVE MUSIC
 Indoors
 Monday
 11:00 - 02:00
 Tuesday
 11:00 - 02:00
 Wednesday
 11:00 - 02:00
 Thursday
 11:00 - 02:00
 Friday
 11:00 - 03:00
 Saturday
 11:00 - 03:00
 Sunday
 11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

RECORDED MUSIC
 Indoors
 Monday
 11:00 - 02:00
 Tuesday
 11:00 - 02:00
 Wednesday
 11:00 - 02:00
 Thursday
 11:00 - 02:00
 Friday
 11:00 - 03:00
 Saturday
 11:00 - 03:00
 Sunday
 11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

PERFORMANCE OF DANCE
 Indoors
 Monday
 11:00 - 02:00
 Tuesday
 11:00 - 02:00
 Wednesday
 11:00 - 02:00
 Thursday
 11:00 - 02:00
 Friday
 11:00 - 03:00
 Saturday
 11:00 - 03:00
 Sunday
 11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

ACTIVITY LIKE MUSIC/DANCE
 Indoors
 Monday
 11:00 - 02:00
 Tuesday
 11:00 - 02:00
 Wednesday
 11:00 - 02:00
 Thursday
 11:00 - 02:00
 Friday
 11:00 - 03:00
 Saturday
 11:00 - 03:00
 Sunday
 11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

FACILITY FOR MAKING MUSIC
 Indoors
 Monday
 11:00 - 02:00
 Tuesday
 11:00 - 02:00
 Wednesday
 11:00 - 02:00
 Thursday
 11:00 - 02:00
 Friday
 11:00 - 03:00
 Saturday
 11:00 - 03:00
 Sunday
 11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

FACILITIES FOR DANCING
 Indoors
 Monday
 11:00 - 02:00
 Tuesday
 11:00 - 02:00
 Wednesday
 11:00 - 02:00
 Thursday
 11:00 - 02:00
 Friday
 11:00 - 03:00
 Saturday
 11:00 - 03:00
 Sunday
 11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

FACILITY LIKE
MUSIC/DANCE

Indoors
Monday
11:00 - 02:00
Tuesday
11:00 - 02:00
Wednesday
11:00 - 02:00
Thursday
11:00 - 02:00
Friday
11:00 - 03:00
Saturday
11:00 - 03:00
Sunday
11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

LATE NIGHT REFRESHMENT

Indoors
Monday
23:00 - 02:15
Tuesday
23:00 - 02:15
Wednesday
23:00 - 02:15
Thursday
23:00 - 02:15
Friday
23:00 - 03:15
Saturday
23:00 - 03:15
Sunday
23:00 - 02:15

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

SUPPLY OF ALCOHOL

Monday
11:00 - 02:00
Tuesday
11:00 - 02:00
Wednesday
11:00 - 02:00
Thursday
11:00 - 02:00
Friday
11:00 - 03:00
Saturday
11:00 - 03:00
Sunday
11:00 - 02:00

Non Standard Timings:

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

The Opening Hours of the Premises

Monday 11:00 - 02:30	Tuesday 11:00 - 02:30	Wednesday 11:00 - 02:30	Thursday 11:00 - 02:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 02:30	

From the start of permitted hours New Year's Eve to the end of permitted hours New Year's Day.

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

On the premises

Part 2

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

Name: Mr Lindsay Judson

Address: The Old House
Beckfield Farm
Stockton Lane
York
YO32 9UA

Telephone number: 01904 431254

Email address: None

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

Name: Mr Allan R Coleman

Address: 4 Constantine Avenue
York
YO10 3TA

Telephone number: 01904 635144

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

City of York Council
CYC-010547

Annex 1 – Mandatory conditions

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.

MANDATORY CONDITION: DOOR SUPERVISION

(1) In accordance with section 21 of the Licensing Act 2003, 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 be licensed by the Security Industry Authority.

(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
(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.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE AND SPECIAL HOURS (SECTION 77) CERTIFICATE

On Licence with no Children's Certificate

Children

1. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence
- b) He resides in the premises, but is not employed there
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

Credit Sales

2. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal, or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Special Hours Certificate

2. The following condition shall also apply to the premises on any day it seeks to rely on the extended hours detailed above:

During the whole of the period that the premises are open to the public for the sale of intoxicating liquor the whole of the premises, or the part of the premises designated for the purposes of the Special Hours Certificate, shall be bona fide used for the purposes of providing for persons resorting to the premises,

- a) in the case of casino premises, gaming facilities and substantial refreshment, and
- b) in the case of any other premises, music and dancing and substantial refreshment, to which the sale of intoxicating liquor is ancillary.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

- 1) Signs and notices clearly showing the opening, closing and drinking up times will be visible to both guests on and off the premise.

Prevention of Crime & Disorder

- 2) Door supervisors will be reassigned towards the end of each trading period to take a visible presence outside the premise and act as marshalls. The use of venue security staff as marshalls will always be in negotiation with the police and will be kept under review.
- 3) Marshalls will wear high visibility clothing, work closely to the venue and be in direct communication with the venue.
- 4) The premise will provide a cloakroom to provide secure storage of personal belongings on busy evenings, with staffing and control systems increased in the period prior to closure to assist the swift return of belongings.
- 5) Lights and CCTV cover the exit of the premise.

Public Safety

- 6) Signs will be displayed informing customers that they are not allowed to take bottles or glasses from the premise. This will be supported by a vigilant door team, customers will be searched where necessary.
- 7) Bins and tables will be provided at or near exits for use by customers to leave glasses or discard bottles before leaving.
- 8) During the last hour of trading the service points in each bar will be reduced and staff reallocated to collect glasses or work in the cloakroom assisting customer departure.
- 9) Periodic electrical installation tests will be carried out by a qualified person once every three years to the standards required by the licensing authority.

Public Nuisance

- 10) The door team will encourage customers to drink up and progress to the exits within the venue throughout the latter part of the drinking up time.
- 11) The door team will ask customers to leave the premise quietly.
- 12) The door team will ensure removal of all bottles and glasses from departing customers.
- 13) The door team will actively encourage customers not to congregate outside the venue.
- 14) The door team will direct customers to the nearest taxi ranks or other transportation away from the area.
- 15) A rubbish patrol will be sent out following the closure of the premise, the patrol will pick up litter in the immediate vicinity of the premises.
- 16) A member of management will be in the vicinity of the main exit to oversee the end of night departure period. DJ announcements will be used to remind customers to be considerate on leaving the premises and highly visible notices will be placed in the foyer requesting exiting customers to leave quietly and to respect neighbours and their properties.
- 17) Patrons who persistently disregard neighbours or who are unwilling to conform to staff requests will be barred from entering on future occasions.
- 18) A concierge service will be provided offering a safe place for customers to wait for taxis, particularly lone females.
- 19) Free phone numbers for taxi's will be provided along with details of nearby taxi ranks, bus timetables and other local transport networks.
- 20) During the departure hour slower music will be played and the volume will be reduced. Lighting levels will be manipulated to encourage the gradual dispersal of patrons.

Protection of Children from Harm

- 20) Notices and signs will be clearly displayed at the entrance stating the age and entry policy.

21) Internal age checks will be carried out by security staff at regular intervals to back up checks carried out at the entrance to the premise.

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

- 1) Noise attenuation measures, with particular regard to the fire exit onto Tanner Row, shall be agreed with the local licensing authority and maintained to its satisfaction thereafter.
- 2) A dispersal policy shall be agreed with the local licensing authority before the licence comes into operation and adhered to thereafter.

For and on behalf of
The Deputy Chief Executive

Licensing & Regulatory Services
9 St Leonard's Place
York
Y01 7ET

Date: 01/09/2005

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

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



McMillan York Limited hereby apply for premises licence under section 17 of the Licensing Act 2003 for the premises described below, and 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

Nexus
25 Tanner Row
York

YO1 6JP



Telephone number of premises

01904 635144

Non domestic rateable value of premises

£73,500

Part 2 - Applicant Details

We are applying for this licence as:

- a) an individual or individuals*
- b) a person other than an individual*
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association or
 - iv. Other
- c) a recognised club
- d) a charity
- e) The proprietor of an educational establishment
- f) A health service body
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- h) The chief officer of police of a police force in England and Wales

We are applying as a person described in (a) or (b) 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
 - Statutory function; or
 - A function discharged by virtue of Her Majesty's prerogative

Applicant:	McMillan York Ltd 1 Rougier Street York YO1 6HZ	
Parties concerned:	Mr Lindsay Judson (Director) The Old House Beckfield Farm Stockton Lane York YO32 9UA	Mr Russell Brown (Director) 54 Strensall Road Huntington York YO32 9SH
Registered number:	2892472	
Description of: Applicant	Limited Company	
Telephone number: Head office:	Tel: 01904 635144 Fax: 01904 679767	Parties concerned: Mr Judson: 07711 261111 Mr Brown: 07850 485868

Part 3 - Operating Schedule

We would like the premises licence to start

Day	Month	Year
01	01	2007

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

Day	Month	Year
Not Applicable		

If 5000 or more people attend the premises at any one time, please state the number expected to attend

Not Applicable

The following is a general description of the premise

The premises are situated in George Hudson Street and Tanner Row, an area recognized for its late night entertainment. The area is largely commercial with offices occupying the majority of premises which means that the cross over between businesses is minimal. There is a bus station in the area, which is ideally suited to the introduction of a late night bus service. There are a number of restaurants/buffet restaurants in the area, a late night takeaway, four other bars (all with differing or staggered closing times) and a taxi rank which when reallocated to the bus shelters in Rougier Street could become an excellent dispersal taxi point for the city.

Nexus is at present a city centre late night circuit bar with a maximum occupancy of 600 persons at any one time with an average footfall (street activity) of between 1900 and 2300 people on Friday and Saturday nights.

This proposed application is to further develop Nexus through converting the existing city centre late night circuit bar offering in to a five star night club with a potential maximum occupancy of 1750 persons at any one time with an estimated footfall (street activity) of between 1500 and 2100

Whilst the maximum occupancy of the premises will change from 600 people to 1750 people, the footfall of guests will not increase from the existing average of 2300 people on peak nights but in reality reduce due to the nature in the way people use nightclubs over circuit bars

We have operated in York for around 15 Years and we have a very good relationship with the local authorities

Through our planning application relating to these premises, which was supported and granted in June of this Year, we committed to the funding for the installation of an authority managed CCTV camera in the Rougier Street area and to the funding for the trial of a much needed late night bus service

As an operator we invest heavily in the induction, training and development of our employees, for which Nexus was rewarded with Investors In People accreditation and as local owner operators we are professionally involved in the day to day running and standards of the premises and easily accessible to the local authorities

We will always continue to work with the police and council to ensure that we continue to achieve and improve on all four licensing objectives

The licensable activities we intend to carry on from these premises are:

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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A. Standard days and timings			The performance of play's The performance of play's will take place:	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	We will offer the facility of the premises for hire to drama and arts associations or private promoters to showcase, present or perform there work to invited guests or the general public at varying times throughout our proposed operating hours)		
Mon	10:00	03:00			
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			
			There are no seasonal variations for this licensable activity		
			There are no none standard timings for this licensable activity		

B. Standard days and timings			The exhibition of a films The exhibition of a films will take place:	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	We will offer the facility of the premises for hire to drama and arts associations or private promoters to showcase, present or perform their work to invited guests or the general public at varying times throughout our proposed operating hours		
Mon	10:00	03:00			
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			
			There are no seasonal variations for this licensable activity		
			There are no none standard timings for this licensable activity		

C.			Indoor sporting events
Standard days and timings			
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D.			Boxing or wrestling entertainment	Indoors	
Standard days and timings				Outdoors	
Day	Start	Finish		Both	
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E. Standard days and timings			The performance of live music The performance of live music will take place:	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon	10:00	03:00	We intend to offer the performance of live music for our guests, both amplified and un-amplified at varying times throughout our proposed operating hours		
Tue	10:00	03:00			
Wed	10:00	03:00	There are no seasonal variations for this licensable activity		
Thur	10:00	03:00			
Fri	10:00	03:00	There are no none standard timings for this licensable activity		
Sat	10:00	03:00			
Sun	10:00	03:00			

F. Standard days and timings			The playing of recorded music The playing of recorded music will take place:	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon	10:00	04:00	We intend to offer the performance of amplified recorded music provided by DJ's or managed through play lists by our cast for the pleasure of our guests, at varying times throughout our proposed operating hours		
Tue	10:00	04:00			
Wed	10:00	04:00	There are no seasonal variations for this licensable activity		
Thur	10:00	04:00			
Fri	10:00	04:00	There are no none standard timings for this licensable activity		
Sat	10:00	04:00			
Sun	10:00	04:00			

G. Standard days and timings			The performance of dance The performance of dance will take place:	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	We intend to offer the performance of dance provided by professional individual dancers or professional dance troupes or through pre practiced dance routines performed by our cast for the pleasure of our guests, at varying times throughout our proposed operating hours There are no seasonal variations for this licensable activity There are no none standard timings for this licensable activity		
Mon	10:00	03:00			
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

H. Standard days and timings			The types of entertainment we will be providing: Live or recorded televised sporting events Live or recorded televised news or public events Live or recorded music events or music videos and advertising Fashion Shows Entertainers: Comedians, Hypnotists, Magicians, et cetera		
			Any entertainment of a similar nature to that of E, F and G Any entertainment of a similar nature to that of E, F and G will take place indoors only	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	The use of monitors and big screens to show live or recorded events or videos and staged areas for the performance of acts, presentations or shows. There are no seasonal variations for these licensable activities There are no none standard timings for these licensable activities		
Mon	10:00	03:00			
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			

Sat	10:00	03:00	
Sun	10:00	03:00	

I. Standard day and timings			The facilities for making music we will be providing Open microphone nights	Indoors	✓
			The facilities for making music The facilities for making music will be	Outdoors	
				Both	
Day	Start	Finish			
Mon	10:00	03:00	We will provide musical equipment and microphones for our customers to use on open microphone and similar nights where our customers are encouraged to show off their music or vocal talents		
Tue	10:00	03:00	There are no seasonal variations for this licensable activity		
Wed	10:00	03:00	There are no none standard timings for this licensable activity		
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

J. Standard timings			The provision of the facilities for dancing	Indoors	✓
			The provision of the facilities for dancing will be:	Outdoors	
				Both	
Day	Start	Finish			
Mon	10:00	03:30	The provision of dance floors and raised dancing areas around the venue which are open to our customers and performers use at varying times throughout our proposed operating hours		
Tue	10:00	03:30	There are no seasonal variations for this licensable activity		
Wed	10:00	03:30			

Thur	10:00	03:30	There are no none standard timings for this licensable activity
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	10:00	03:30	

K. Standard days and timings			The type of entertainment facility we will be providing Karaoke and party games			
Day	Start	Finish	The provision of facilities of a similar nature to that of I and J The provision of facilities of a similar nature to that of I and J will take place indoors only	Indoors	✓	
				Outdoors		
Mon	10:00	03:00	We intend to encourage our guests to be involved in our entertainment, providing the facility for them to take part in karaoke and fun and skilled party games (not including drinking games), at varying times throughout our proposed operating hours	Both		
Tue	10:00	03:00				
Wed	10:00	03:00		There are no seasonal variations for these licensable activities		
Thur	10:00	03:00				
Fri	10:00	03:00	There are no none standard timings for these licensable activities			
Sat	10:00	03:00				
Sun	10:00	03:00				

L. Standard days and timings			The provision of late night refreshment		
Day	Start	Finish	The provision of late night refreshment will be:	Indoors	✓
				Outdoors	
Mon	23:00	04:00	The sale of hot and cold food, snacks and none alcoholic drinks by retail at varying times throughout our proposed hours. The	Both	

Tue	23:00	04:00	provision of late night refreshment will be for consumption on or off the premises
Wed	23:00	04:00	There are no seasonal variations for this licensable activity
Thur	23:00	04:00	
Fri	23:00	04:00	
Sat	23:00	04:00	There are no none standard timings for this licensable activity
Sun	23:00	04:00	

M. Standard days and timings			The supply of alcohol The supply of alcohol will be for consumption:	On the premises	✓
Day	Start	Finish		Off the premises	
				Both	
Mon	10:00	03:00	There are no seasonal variations for this licensable activity		
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00	There are no none standard timings for this licensable activity		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

The name and details of the individual whom we wish to specify on the licence as premises supervisor

Name: Mr Allan Coleman

Address: 4 Constantine Avenue, Tang hall, York

Postcode:

Personal licence number: CYC - 010547

Issuing licensing authority: City of York Council

N. We would like to highlight any adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

We intend to provide the following services and activities:

- ✓ The sale of Alcohol
- ✓ The provision of gambling machines
- ✓ Music and music videos

O. Standard days and timings			Hours premises would be able to open to the public
Day	Start	Finish	
Mon	10:00	04:00	There are no seasonal variations for the hours the premises are to be open to the public
Tue	10:00	04:00	
Wed	10:00	04:00	
Thur	10:00	04:00	
Fri	10:00	04:00	
Sat	10:00	04:00	
Sun	10:00	04:00	

P. The steps we will take to promote the four licensing objectives

A. General

1. In order to ensure our guests are aware when the premises are to close, signage visible from outside the premises, indicating our operating hours and proposed 'drinking-up' times will be displayed.
2. The licence holder will comply with any instructions issued by the police and Licensing Authority regarding closure on race days and/or other sporting events.
3. We will display posters promoting responsible drinking throughout the premises
4. We will display poster providing information on advice and support agencies for guests who are worried about their drinking habits
5. A notice will also be placed in the entrance showing the times of operation, prescribed capacity and appropriate ratio of tables and chairs to customers based on the capacity
6. In addition to the implementation of a safe capacity, and in the aim of promoting diversity in operating style, comfort and greater safety throughout the venue, 30% of the venue will be allocated to seating for our guests who wish to be seated
7. We will place our licence and licensing summary on display near the entrance to the premises

B. The Prevention of Crime And Disorder

At Nexus we will deter crime and disorder through a number of processes and through working with the relevant local authorities, we will ensure that we are always able to exceed the standards and requirements set.

1. The installation of 32 cctv cameras and systems that are able to provide court prosecution and defence quality recordings for use by the Police and other Authorities (cameras to be installed both internally and externally)

- a. All recorded data will be kept for a minimum of 21 days
- b. All recorded data will be tamper free and only accessible by the designated premises supervisor, deputy manager and head of security
- c. CCTV recording equipment will be serviced annually
- d. CCTV equipment recording patterns will be monitored and noted every day
- e. The Police and other Authorities will be given immediate access to recorded data on official request and a suitable copy of requested data will be taken
- f. All CCTV cameras will be visible and easily identifiable through their placement or through notices communicating their presence

2. A proactive involvement in locally recognised early warning schemes recommended by the Police or Licensing Authority, including pager and town radio systems.

- a. All pager and radio equipment will be kept in working order at all times
- b. The pager and radio systems will be active and monitored by the designated premises supervisor and/or a responsible member of staff at all times when the premises are open to the public
- c. Any police or Licensing Authority instructions/directions with reference to the use of pagers and radios will be complied with
- d. All instances of crime or disorder will be reported via the pager and radios to other operators in the area and to the Police immediately by the designated premises supervisor or a key member of staff

- e. All managers and key cast will be trained in the use of these systems and training will be documented

3. The provision of a professionally registered and adequately manned door supervision team at all times when the premises are open to the public

- a. All door supervisors will be registered with the security industry authority (SIA)
- b. All door supervisors will be easily identifiable from customers and other staff
- c. All door supervisors will receive in house induction and quarterly assessments and performance refreshers
- d. We will operate an entry and exclusions policy that is created in consultation with the Police and Licensing Authority, allowing us to easily communicate our objectives to our staff, our guests and to Police and Licensing Authorities at all times

4. We will operate a responsible trading policy that is in keeping with local authority strategies at all times and its creation and upkeep will be done in consultation with the Licensing Authority. This policy will cover:

- a. Our approach to the responsible pricing of alcoholic drinks
- b. Our approach to the responsible promotion of a safe drinking culture
- c. Our approach to the strategies set out in safer clubbing
- d. The induction and development required to ensure our staff can deliver the responsible sale of alcohol and identify and manage potential customer challenges
- e. Our approach to drink driving

5. We will operate a drugs policy that is in keeping with local authority strategies at all times, allowing us to easily communicate our objectives to our staff, our guests and to Police and Licensing Authorities. Its creation and upkeep will be done in consultation with the Licensing Authority and the policy will include:

- a. Our approach to the random searching of prospective guests as they enter the premises
- b. The systems required for contacting the Police and the safe and legal detainment of any suspect substances or individuals prior to Police intervention
- c. Our approach to designing out drugs, through layout, lighting, CCTV and staff presence
- d. The induction and development required to ensure our staff can identify and manage potential drug activities

6. We will undertake to close if requested to do so by the Police or Licensing Authority during large or potentially troublesome special/sporting events

7. The facility of a cloakroom will be provided on all busy nights for the safe, secure storage of our customers' belongings and valuables

8. Notices will be displayed in public and staff areas, providing information on how to protect yourself and others against becoming a victim, focusing on crime which is most likely to occur in busy public places like bars and clubs. Notice will include:

- a. Drug awareness
- b. Bag theft and theft of unattended property

- c. Drink spiking
- d. Avoiding confrontation

9. The provision of professionally registered and adequately manned street marshals from midnight until close on designated nights each week

- a. All Street Marshals will be registered with the security industry authority (SIA)
- b. All Street Marshals will wear high visibility jackets and will be easily identifiable from customers and other staff
- c. All Street Marshals will receive in house induction and quarterly assessments and performance refreshers
- d. We will operate a marshalling policy that is created in consultation with the Police and Licensing Authority, allowing us to easily communicate our objectives to our staff, the public and to the Police and Licensing Authorities at all times

10. The provision of a professionally registered taxi marshal from midnight until close on designated nights each week

- a. All Taxi Marshals will be registered with the security industry authority (SIA)
- b. All Taxi Marshals will wear high visibility jackets and will be easily identifiable from customers and other staff
- c. All Taxi Marshals will receive in house induction and quarterly assessments and performance refreshers
- d. We will operate a taxi marshalling policy that is created in consultation with the Police, Licensing Authority and taxi associations, allowing us to easily communicate our objectives to our staff, the public and to the Police and Licensing Authorities at all times

11. The provision of a professionally registered bus marshal from midnight until close on designated nights each week

- a. All Bus Marshals will be registered with the security industry authority (SIA)
- b. All Bus Marshals will wear high visibility jackets and will be easily identifiable from customers and other staff
- c. All Bus Marshals (if required) will receive in house induction and quarterly assessments and performance refreshers
- d. We will operate a bus marshalling policy that is created in consultation with the Police, Licensing Authority and bus company, allowing us to easily communicate our objectives to our staff, the public and to the Police and Licensing Authorities at all times

C. Public Safety

Public safety is an important issue to everyone at Nexus, with it being professionally managed and maintained to ensure public safety at all times.

1. We will comply with all obligations governed by existing General health and safety legislation, including;

- a. The completion, communication and regular review of a comprehensive risk assessment regarding all staff and general public activities
- b. The completion, communication and regular review of a comprehensive fire risk assessment regarding all staff and general public activities
- c. Create and communicate to all staff a company health and safety policy
- d. Identify and assign a health and safety officer and staff representative

- e. Provide a qualified first aider at all times and suitable first aid facilities
- f. Keep accurate first aid records
- g. Hold quarterly health and safety reviews with health and safety officer, staff representative and first aiders
- h. Provide all staff with a suitable understanding of all health and safety issues at induction, make all health and safety material available to staff at all times
- i. Display posters and notices required by legislation at all times and provide staff with information on who they can contact if they are worried about any aspect of health and safety

2. We will comply with all obligations governed by existing fire safety legislation, including;

- a. We will install all the fire safety equipment required to ensure the safety of our staff and customers and all equipment will be installed in accordance with the recommendations of the North Yorkshire Fire and Rescue Service.
- b. All fire safety equipment will be checked on a weekly and monthly basis and in accordance with the recommendations set out by North Yorkshire Fire and Rescue Service. Accurate records will be kept and made available to the local fire authority or licensing authority on request.
- c. An external qualified fire safety engineer will be contracted to conduct fire safety equipment inspections and maintenance on a quarterly basis in accordance with the recommendations of the North Yorkshire Fire Authority. Accurate records will be kept and made available to the local fire authority or licensing authority on request.
- d. All staff will receive fire safety training on induction and fire safety and evacuation refresher training every six months. Accurate records will be kept

and made available to the local fire authority or licensing authority on request.

- e. Adequate arrangements will be made to enable the safe evacuation of disabled people in the event of an emergency and disabled people on the premises will be made aware of such arrangements
- f. All escape routes and exits, including external exits will be checked at the start of each session to ensure that exits are kept unobstructed, in good order, free of trip hazards and clearly identified
- g. All fire exit doors will open without the use of a key, card, code or similar device
- h. All fire doors are maintained effectively, are self-closing and will not be held open other than by approved devices with automatic release in the event of a fire
- i. Curtains and temporary decorations are maintained in a flame-retardant condition
- j. All upholstered seating will meet on a continuous basis and the pass criteria for smouldering ignition will be in accordance with BS 5852:1990
- k. Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment
- l. Notices detailing the actions to be taken in the event of fire or other emergencies will be prominently displayed and protected from damage and deterioration
- m. The fire brigade will be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-Book

- n. Access for emergency vehicles will be kept clear and free from obstruction at all times and staff will be informed of how to best help the emergency services on their arrival
 - o. Fire safety signs will be adequately illuminated and checked on a weekly basis in accordance with the recommendations of North Yorkshire Fire and Rescue Services
- 3. All electrical installation and maintenance will be carried out by a fully qualified and competent person and all electrical installation will be tested every three years to the BS standard recommended by the licensing authority**
- 4. All electrical portable appliances will be tested and reported by a competent person on an annual basis**
- 5. All glassware will be toughened or tempered safety glass**
- 6. Glassware and smoking will be prohibited on dance floors and raised dancing areas**
- 7. The maximum occupancy as agreed with the fire authority will not be exceeded at any time**
- a. Customers entering and leaving the premises will be accurately counted by an individual specifically employed to tally occupants or by electronic devices designed to accurately calculate occupants
 - b. A record of total occupants will be kept every 30 minutes
 - c. Occupancy record will be made available to the licensing authorities on request
 - d. Management and key staff will be give instruction on the importance of maintaining a safe occupancy level and given instruction on the systems used to ensure the maintenance of a safe occupancy level

D. The Prevention of Public Nuisance

At Nexus we are committed to reduction and prevention of public nuisance in all areas of our business. We recognise the public's need for free time pursuits (whether tourists or locals), but understand the needs of our neighbours, and the balancing act required to ensure everyone's satisfaction.

1. Sound emanating from the building will not be audible at the nearest sound sensitive living façade

- a. We will ensure that noise and vibration that may emanate from the venue is minimized through extensive use of tried and tested sound proofing and acoustic equipment
- b. Noise levels emanating from the building will be monitored every thirty minutes after 23:00 and findings recorded to ensure the music can not be heard at the nearest noise sensitive living façade.
- c. Annual servicing, assessment and maintenance of existing sound proofing systems will be conducted by an independent sound proofing specialist

2. We will take a proactive part in forming opportunities for residents and local business' to meet, meeting with residents when ever required and addressing any challenges.

- a. We will meet with residents and businesses from the area when ever requested to by an individual person, business or a representative of those individuals or business'
- b. We will hold six monthly residents meetings at the premises, actively inviting local residents and businesses in writing to come and discuss any

challengers they are encountering. Minutes from any such meetings will be kept and open to review by the licensing authority and residents associations

- c. We will clearly display a resident's help line number on the exterior of the premises so any concerns or challenges can be address quickly. All contacts made to this number will be recorded and open to review by the local licensing authority and residents associations.

3. We will ensure that any activities that are connected to the provision of our services are carried out in a manner that causes no nuisance to our neighbours, or are at a time that removes the nuisance.

- a. Deliveries will only be conducted between 07:00 – 17:00
- b. Waste collections will only be conducted between 07:00 – 17:00
- c. External transfer of empty bottles between bottle bins will only be conducted between 07:00 – 17:00
- d. Taxi pickup points, routines and processes will be agreed with our private hire taxi partners to ensure nuisance free pickups
- e. Staff leaving the premises after work will leave quietly, parking their cars away from resident areas and taking their taxis from the agreed pickup points

4. We will operate a dispersal policy that is in keeping with best practice and created and agreed in consultation with the Licensing Authority, allowing us to easily communicate our objectives to our staff, the public, the Police and Licensing Authorities at all times

- a. We will encourage the use of designated drivers through consistent provision or designated driver offers and incentives

- b. The management, door Supervisors and street marshals will encourage our guests to be considerate when making their way home, where possible encouraging them to take taxis or take turns being the designated driver
- c. Prominent, clear and legible notices will be displayed at all exits, requesting the public to respect the peace and property of others and to leave the premises and the area quietly
- d. We will make it clear to our guests that if they are unable or unwilling to show consideration to the peace and property of others they are unwelcome at and so excluded from entry.
- e. At appropriate times DJ's will make announcements requesting the public to respect the peace and property of others and to leave the premises and the area quietly
- f. Door supervisors and street marshals will directing customers away from noise sensitive areas where appropriate

5. We will provide an end of night and early morning litter patrol to clear away the litter generated from licensed premises and takeaways

- a. Litter patrols will cover all streets within a 100 meter radius of the venue
- b. Litter patrols will wear high visibility vests and will stand out from the general public and other staff
- c. Litter patrols will report on where they believe the majority of litter is coming from on a weekly basis. This information will be recorded and open for review from the licensing authority and residents associations on request

6. We will significantly reduce end of night street activity through a large 200 occupancy arrivals and departure lounge which will offer all the facilities required at he end of the night. Food will be available in this area and guests

will be able to wait in a supervised relaxed environment while they wait for their lifts, taxi's and friends

- a. We will provide a taxi ordering and pickup service in conjunction with local private hire partners
- b. We will provide hot fast food of a high standard that is desirable to people towards the end of each night, reducing or removing the need for people to leave the premises in search of food takeaways
- c. We will provide waiting facilities for up to 200 persons removing the need for people to wait for lifts or arranged taxis in the street
- d. We will provide cash machine facilities removing the need for people to leave the premises in search of cash machines
- e. We will provide a public telephone and mobile phone charging points removing the need for people to leave the premises in phones

7. We will substantially reduce or remove queues at the premises through four pay point, two entrances and our increased occupancy.

- a. At busy times trained staff will man four pay points
- b. At busy times we will allow entrance at two separate entry points
- c. Door supervisors will control approaching customers through roped barriers, directing them to there point of entry and encouraging them to have their entry fee ready before they reach the pay point
- d. A senior member of management will be in attendance at the entrance between 22:00 – 01:00 to ensure guest entry processes are managed to there optimum

8. Although unlikely due to the increased occupancy, if a queue does occur due to our capacity being reached we will take any and all steps required to avoid disturbance and nuisance being caused by customers queuing outside our premises.

- a. We will place notices at or near entrances where any queues may occur explaining the need for our guests to queue in a quiet and orderly fashion
- b. Door supervisors will constantly monitor any queuing guests, ensuring they queue quietly against the wall of the premises
- c. Any guests who are rowdy on arrival to the streets around the premises or who are in a queue will be asked to quiet down and the reason explained. If at that time they continue to be rowdy they will be asked to leave the queue and/or refused entry
- d. Barriers will be used to keep a well organised queue leaving ample space for anyone wishing to use the foot path

E. The Protection of Children from Harm

We have always carried strong beliefs with regards to the protection of children and hold the protection of children from harm in high regard. At this time we feel that the police and local authorities hold us in high regard as operators in this area.

- 1. Nexus is a late night bar/night club and we believe this environment is for people aged 18 or over only**
- 2. We will only allow guests aged 18 or over to enter the premises**
- 3. We will ensure that all guests who appear to be 21 or under are checked for proof of age at the entrance to the premises**

4. We will only accept forms of identification recommended by the Police and local authorities
5. We will ensure all service staff are adequately trained in preventing the sale of alcohol to anyone under the age of 18
6. We will display our restrictions on the admission of children on the outside of the premises
7. In the event of an organised under 18's event we achieve the protection of children from harm by ensuring all events are age sensitive, only allowing under 16's and 16 to 18's separately (with the exception of cast and/or guardians)
 - a. Any events that are organised for people under the age of 18 will be arranged in direct consultation with the local licensing authority, Police, and child protection agencies
 - b. We will never mix people who are 15 or younger with people who are 16 and over
 - c. We will never mix people who are 17 and younger with people who are 18 and over
 - d. We will ensure that alcohol is not available, is securely managed and is out of site at any organised event that involves people under the age of 18

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

Signature: Walker Morris

Date: 5th September 2006

Capacity: Solicitor for the applicant

Contact Name and address for correspondence associated with this application

Mr Paddy Whur
Walker Morris Licensing Team
King Court
12 King Street
Leeds
LS1 2HL

Direct Line: 0113 283 2629

E-mail address: paddy.whur@walkermorris.co.uk

- We have made or enclosed payment of the fee
- We have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities
- I have enclosed the consent form completed by the individual I wish to be premises supervisor,
- 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

Consent of individual to being specified as premises supervisor

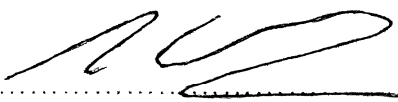
I Mr Allan Robert Coleman of 4 Constantine Avenue, Tang hall, York hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a premises licence to be granted by McMillan York Ltd relating to a premises licence for Nexus, 25 Tanner Row, York, YO1 6JP. I also confirm that I hold a personal licence, details of which I set out below.

Personal licence number: CYC - 010547

Personal licence issuing authority:

Name: City of York Council
Address: 9 St Leonard's Place
York

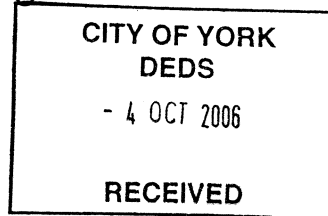
Telephone number: 01904 613161

Signature 

Name (please print) A COLEMAN

Date 05.09.2006

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**North
Yorkshire
Police**

Our Ref:

Your Ref:

Date: 03 October 2006

Mr J. Lacy
Licensing Manager
Licensing and Regulation Services
City of York Council
9 St. Leonard's Place
York

Dear Mr Lacy

APPLICATION FOR NEW PREMISES LICENCE - NEXUS, 25 TANNER ROW, YORK

The North Yorkshire Police wish to make representation on the above application submitted by McMillan York Ltd. This representation relates to 2 of the licensing objectives; the prevention of crime and disorder and the prevention of public nuisance.

The application is to create a much larger night club from its current operation, with an increase in capacity from 600 to 1750. The police are concerned that this development will attract even more people to an area which already has the highest concentration of people in the city at night time and thereby there is a likelihood that this in turn will lead to an increase in crime and disorder.

Currently the capacity of similar premises in the vicinity of Nexus is as follows :

BPM (formerly McMillans)	750
Flares	400
Reflex	300
Toffs	860
Ziggys	500
Nexus (current occupancy)	600
Total	3,410

The proposed increase in capacity at Nexus (an additional 1150 people) would mean that the total capacity in that area of the city increases by 34%

Nexus is located in George Hudson Street York, which is in the city's Cumulative Impact Zone (C.I.Z.). This is a specific zone identified by the local authority as having the highest levels of crime and disorder in the city and is subject to a "Special Policy" as detailed in the City Of York Council's Licensing Policy and in accordance with the "Guidance issued under section 182 of the Licensing Act 2003".

The Council's Statement of Licensing Policy 2005 states "This area has been identified as being under stress because the cumulative effect of the concentration of late night and drink led entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses". The Special Policy creates a rebuttable presumption that applications for new premises licences will normally be refused unless it can be demonstrated that the operation will not add to the cumulative impact already experienced.



A crime pattern analysis of the C.I.Z. carried out by Safer York Partnership crime analyst Ian Cunningham for the 12 month period 1/9/05 to 31/8/06 shows that out of a total of 1505 crimes committed, 1097 (73%) were committed between 21:00 hrs and 05:00hrs.

There was a total of 617 violent crimes recorded in the C.I.Z. and of these 546 (88%) were committed between 21:00hrs and 05:00hrs and 434 (70%) occurred at weekends (Fri, Sat, Sun)

These figures clearly emphasise the problems in the area during the night time period. It would be reasonable to expect that in creating a new enlarged venue many more people will be congregating in this area and this will adversely impact on the area beyond the control of the applicants leading to an increase in crime and disorder incidents and nuisance problems.

Managing additional numbers of people in the area would ultimately fall upon the police and this would mean bringing additional officers into the city centre in the early hours of the morning. This could only be done by redeploying officers from elsewhere across the city, to the detriment of police cover in the rest of York.

Additionally, such large numbers leaving the night club between 3am and 4am would severely stretch police resources across the city at a time when many police officers are coming to the end of their shift, potentially leaving their colleagues vulnerable.

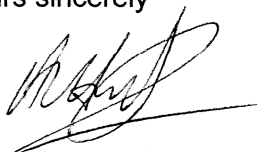
The police have no criticisms over the way the current premises are managed, and this current application has clearly been well thought through in relation to the licensing objectives. However, the mere fact that there is the potential for an additional 1,150 revellers in the cumulative impact zone, up to 4am and beyond, gives the police a major cause for concern.

Attached to this report are the following statistical reports :

1. Crime Analysis of Cumulative Impact Zone 01/09/05 to 31/08/06 (including a graph highlighting crimes by hour of the day)
2. Crime Analysis of Cumulative Impact Zone/Violent Crime Only 01/09/05 to 31/08/06 (including a graph highlighting crimes by hour of the day)
3. Cumulative Impact Area – Violent Crime Hotspots (21:00hrs to 04:59 hrs)

These reports illustrate the problems already being experienced and in conclusion the police believe that this application will add to the cumulative effect of crime, disorder and public nuisance in the C.I.Z. and therefore would suggest to the licensing Committee that the application should be refused.

Yours sincerely



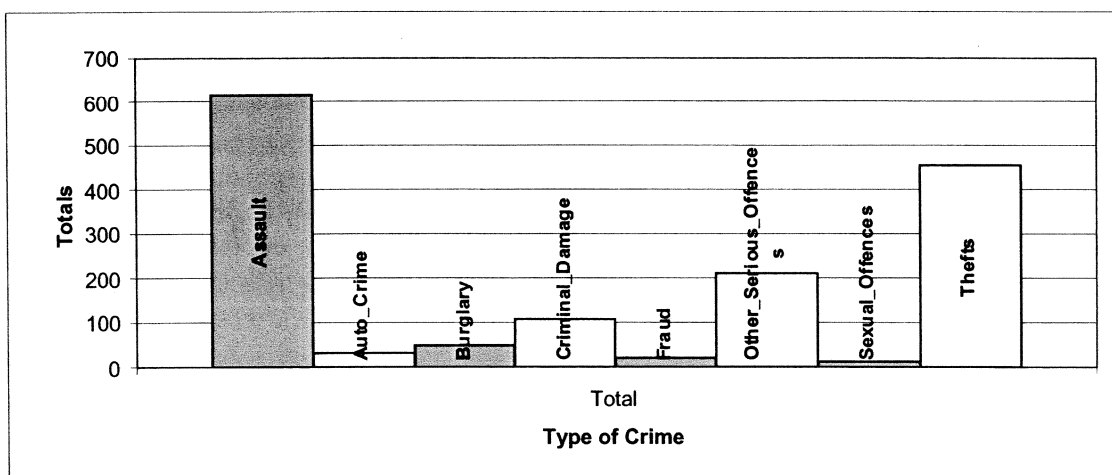
Ch. Insp A. Hirst
Central Area Community Safety

Architectural Liaison Officer Report

Crime Analysis Study Area:	=	Cumulative Impact Area
Planning Application Reference:	=	U/k
Size of Study Area from Application	=	Please See Map
Study Period Start:	=	01/09/2005
Study Period End:	=	31/08/2006
Date Study Completed	=	28/09/2006
Number of Months in Study Period	=	12
Geocoding Accuracy Rate	=	95%

Crime Group	Total
Assault	617
Auto_Crime	32
Burglary	49
Criminal_Damage	108
Fraud	21
Other_Serious_Offences	211
Sexual_Offences	12
Thefts	455
Grand Total	1505

A Table of Crime in the Study Area (Above) and corresponding Graph (Below)



A Table of Crime by Crime Group and then Crime Type.

EVENT_GROUP	HO_DESCRIPTION	Total
ASSAULT	ASSAULT ON CONSTABLE	26
	COMMON ASSAULT ETC.	67
	HARRASSMENT	2
	OTHER WOUNDING ETC.	272
	POSSESSION OF WEAPONS WITH INTENT	6
	PUBLIC ORDER OFFENCES	225
	RACIALLY/RELIGIOUSLY AGGRAVATED OTHER WOUNDING	1
	THREAT OR CONSPIRACY TO MURDER	1
AUTO_CRIME	WOUNDING OR OTHER ACT ENDANGERING LIFE	17
	THEFT FROM VEHICLE	25
	THEFT OR UNAUTHORISED TAKING MOTOR VEHICLE VEHICLE INTERFERENCE	5 2
BURGLARY	BURGLARY IN A BUILDING OTHER THAN A DWELLING	38
	BURGLARY IN A DWELLING	11
CRIMINAL_DAMAGE	ARSON	1
	CRIMINAL DAMAGE OTHER	15
	CRIMINAL DAMAGE TO DWELLINGS	10
	CRIMINAL DAMAGE TO OTHER BUILDINGS	46
	CRIMINAL DAMAGE TO VEHICLES	36
FRAUD	CHEQUE & CREDIT CARD FRAUDT	9
	OTHER FORGERY OR UTTERING	1
	OTHER FRAUD	11
OTHER_SERIOUS_OFFENCES	GOING EQUIPPED FOR STEALING ETC.	1
	HANDLING STOLEN GOODS	3
	OTHER OFFENCE AGAINST STATE OR PUBLIC ORDER	21
	PERVERTING THE COURSE OF JUSTICE	3
	TRAFFICKING IN CONTROLLED DRUGS	182
SEXUAL_OFFENCES	UNLAWFUL ASSEMBLY	1
	<i>SANITISED</i>	12
THEFTS	OTHER THEFT OR UNAUTHORISED TAKING	251
	ROBBERY OF BUSINESS PROPERTY	1
	ROBBERY OF PERSONAL PROPERTY	11
	SHOPLIFTING	49
	TAKE/RIDE PEDAL CYCLE WITHOUT CONSENT	1
	THEFT BY AN EMPLOYEE	5
	THEFT DWELLING OTHER THAN AUTO. M/C OR METER	2
	THEFT FROM AUTOMATIC MACHINE OR METER	7
	THEFT FROM THE PERSON OF ANOTHER	80
	THEFT OF PEDAL CYCLE	48
Grand Total		1505

A Table of Crime by Month of the Year and Hour of the Day in the Study Area

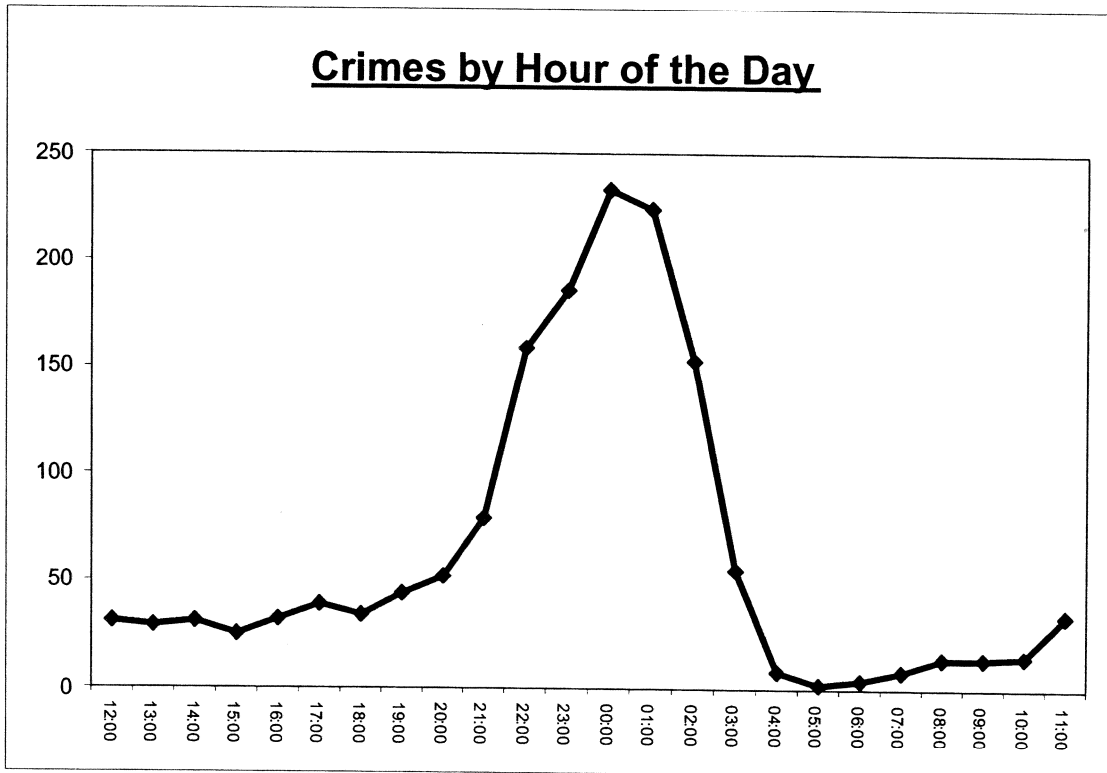
Month	Total	Month	Total	Crime Day	Total
Jan	116	Jul	116	Mon	135
Feb	135	Aug	110	Tue	121
Mar	164	Sep	140	Wed	136
Apr	110	Oct	153	Thu	151
May	106	Nov	99	Fri	255
Jun	93	Dec	163	Sat	410
Grand Total		1505		Sun	297
				Grand Total	1505

Expected Average Crime per Month = **125**

Expected Average Crime per Day = **215**

A Table of Crime by Hour of the Day in the Study Area

	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	Total
Total	31	29	31	25	32	39	34	44	52	79	159	186	233	224	153	55	8	2	4	8	14	14	15	34	1505

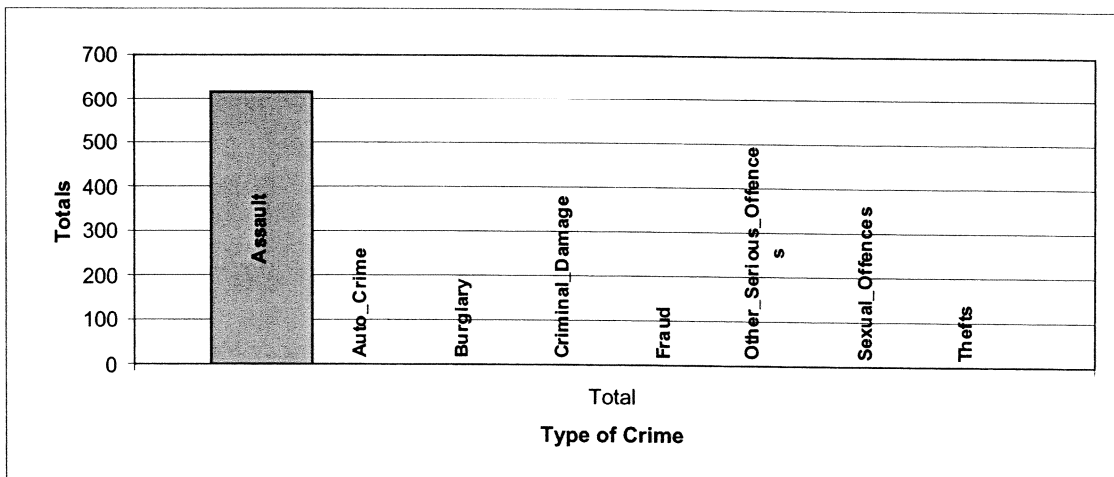


Architectural Liaison Officer Report

Crime Analysis Study Area:	=	Cumulative Impact Zone
Planning Application Reference:	=	U/k
Size of Study Area from Application	=	Violent Crime Only
Study Period Start:	=	01/09/2005
Study Period End:	=	31/08/2006
Date Study Completed	=	28/09/2006
Number of Months in Study Period	=	12
Geocoding Accuracy Rate	=	95%

Crime Group	Total
Assault	617
Auto_Crime	0
Burglary	0
Criminal_Damage	0
Fraud	0
Other_Serious_Offences	0
Sexual_Offences	0
Thefts	0
Grand Total	617

A Table of Crime in the Study Area (Above) and corresponding Graph (Below)



A Table of Crime by Crime Group and then Crime Type

EVENT_GROUP	HO_DESCRIPTION	Total
ASSAULT	ASSAULT ON CONSTABLE	26
	COMMON ASSAULT ETC.	67
	HARRASSMENT	2
	OTHER WOUNDING ETC.	272
	POSSESSION OF WEAPONS WITH INTENT	6
	PUBLIC ORDER OFFENCES	225
	RACIALLY/RELIGIOUSLY AGGRAVATED OTHER WOUNDING	1
	THREAT OR CONSPIRACY TO MURDER	1
	WOUNDING OR OTHER ACT ENDANGERING LIFE	17
Grand Total		617

A Table of Crime by Month of the Year and Hour of the Day in the Study Area.

Month	Total
Jan	47
Feb	56
Mar	56
Apr	39
May	36
Jun	36

Month	Total
Jul	40
Aug	48
Sep	58
Oct	76
Nov	44
Dec	81

Crime Day	Total
Mon	54
Tue	33
Wed	43
Thu	53
Fri	92
Sat	194
Sun	148
Grand Total	617

Grand Total

617

Expected Average Crime per Month =

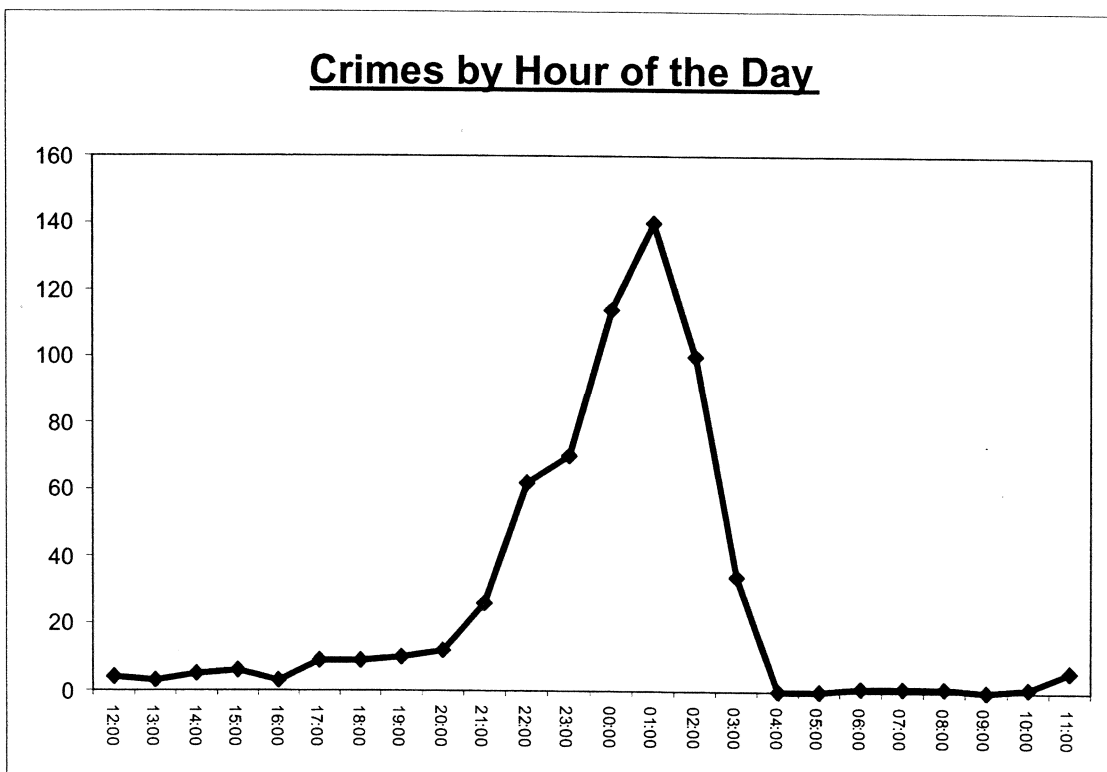
51.4

Expected Average Crime per Day =

88.1

A Table of Crime by Hour of the Day in the Study Area

	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	Total
Total	4	3	5	6	3	9	9	10	12	26	62	70	114	140	100	34	0	0	1	1	1	0	1	6	617





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

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

Document is Restricted

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CITY OF YORK
DEDS
- 9 OCT 2006
RECEIVED

-----Original Message-----

From: [REDACTED]
Sent: 26 September 2006 09:57
To: DNS Licensing Unit
Subject: NEXUS application Ref:CYC/012194

I am writing to express my strong objections to NEXUS's application for extended licensing hours to 03.00 Monday to Sunday.

117150

I am owner/occupier of a flat on Tanner Row, and like my neighbours, dread the weekend evenings and nights as the night clubs spill out their drunken clientele on the streets. The noise, abusive language and drunken quarelling is impossible to escape from, even though I have reinforced windows, installed because of the nuisance. Twice since I bought my flat in 1997, I have had windows smashed. It is also distressing to leave my flat on a bright morning only to find vomit on the streets and empty bottles on my window sills. The prospect of having this nuisance every night of the week is unthinkable.

The expansion of the night club culture in this lovely part of the city is in total conflict with the parallel development of several residential buildings on Tanner Row and vicinity in recent years.

I have asked Cllr. D. Merrett to represent me in my objections.

Sincerely,

[REDACTED SIGNATURE]

[REDACTED] Tanner Row Apartments
[REDACTED] Tanner Row,
YORK YO1 6JP

(Currently on a work assignment in Bosnia)

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 12/10/06 [Signature]

2

Licensing & Regulatory Services
York City Council
9 St Leonard's Place
York YO1 7ET

[REDACTED] Micklegate
York YO1 6LJ
[REDACTED]

09.10.2006

Subject: CYC/01294 Nexus 25 Tanner Row

As a local resident I wish to object to the granting of a Premises License on the grounds of the increase in noise, public nuisance, litter, and antisocial behaviour that will surely occur with such a large expansion of these premises.

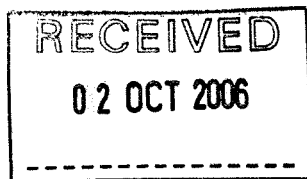
To treble the capacity of this club to 1700 in a small area of the city which already has four night-clubs and numerous bars would place an intolerable burden upon the local people.

The City Centre Policy Statement endorsed by the Micklegate Ward Committee and approved by the City of York on the 12th April 2005, identifies the area centred on George Hudson Street as requiring additional licensing controls due to the cumulative effect of the concentration of late night drink led, refreshment and entertainment premises.

I believe that this application is totally inconsistent with the City Centre Special Policy statement and should be refused.

[REDACTED]
[REDACTED]

Cc: Cllr. D. Merrett



Hampden St.,
Bishophill,
York
YO1 6EA
2 October 2006

To the Licensing Officer, City of York Council

I write to object to the recent application by McMillan York Ltd for a variation of their existing licence at 'Nexus', 25 Tanner Row (ref CYC/012194).

The grounds of my objection is that a variation along the lines proposed will inevitably lead to an increase in what is already an unacceptable level of late night disturbance caused to residents of Bishophill by people leaving bars and clubs, often drunk, who use this area as a through route to get home in the early hours of the morning. The problems associated with late night drinking in the city centre are well recognised but not enough attention has been given to the fall out suffered by those of us who live in adjacent residential areas. For, while there are CCTV cameras and a significant police presence close to the main drinking venues in the city centre itself, these facilities do not extent to residential areas such as Bishophill and this is one reason why problems are occurring here. Although it is not always possible to say with certainty where these nuisance makers are coming from, the fact that disturbance continues until 3 or 4 o'clock in the morning suggests that a proportion of them are coming out of clubs rather than pubs. In any case common sense dictates that a licence variation of the kind being applied for here is bound to exacerbate these problems. In my view this constitutes a public nuisance and therefore valid grounds for objection.

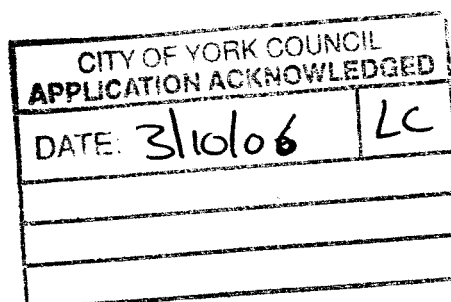
It is also a fact that the that streets in Bishophill have become a favourite night time parking place for clubbers, especially at weekends, who inevitably make noise when they set off home. So far as I know there is very limited provision for parking in the vicinity of Nexus, so we can expect an increase in this practice if this application is granted.

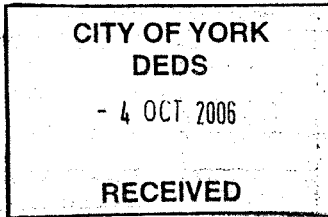
Speaking from personal experience, I can say there has already been an increase in disturbance (including noise and petty vandalism) during the early hours since late night extensions were brought in eleven months ago. In the case of the Nexus application, I note that the premises are within the 'Special Policy Area' declared by the Council and I hope that this will be fully taken into account in determining this application.

As I cannot be sure that I will be available on the day when the application is considered, I have asked one of my ward Councillors, David Merrett, to speak on my behalf.

Yours sincerely,

A blacked-out rectangular area where the signature of the sender has been redacted.





4

02 October 2006

Licensing Authority
York City Council
Environmental Protection & Street Services
9 St Leonard's Place
York
YO1 7ET

NL/NL/P18015-16298
Doc Ref: 2143051394

Email: n.landells@popall.co.uk

Direct line: 0115 934 9170

Dear Sirs

**Representations to application for new Premises Licence in respect of
Nexus, Tanner Row, York**

We act for Luminar North Limited the owners and operators of Tofts, Toft Green. Our client has instructed us to make representations to you in respect of the above application.

The grounds for the following representations:

1. The application is contrary to the licensing objectives (specifically the prevention of crime & disorder, public safety and the prevention of public nuisance) when consideration is given to the size, proposed change in operation of the venue and location of the premises.
2. The application is also contrary to paragraphs 6.1 and 6.2 of York City Council's Statement of Licensing Policy.

We wish to be afforded the opportunity of addressing the Licensing Authority directly in respect of the representations and should be grateful if you would notify us of the date for the hearing at the earliest practicable time.

Yours faithfully

Popleston Allen

Partners · Jeremy Allen · James Anderson · Graeme Cushion · Susanna Popleston · Lisa Sharkey · Jonathan Smith

37 Stoney Street, The Lace Market, Nottingham NG1 1LS
Telephone: 0115 953 8500 Fax: 0115 953 8501 DX 10100 Nottingham
www.popall.co.uk

5

Cockerill, Janice

From: Cllr. D. Merrett
Sent: 10 October 2006 13:58
To: Cockerill, Janice
Subject: FW: Licensing Register

My apologies. I thought John had written separately. Here's what he's asked me to object about:

Dave M.

-----Original Message-----

From: [REDACTED]
[mailto:[REDACTED]]
Sent: 27 September 2006 11:35
To: Cllr. D. Merrett
Subject: RE: Licensing Register

Hi Dave, thanks for forwarding this license application for Nexus.

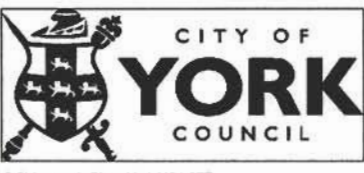
I would be grateful if you would be prepared to represent Bishophill residents views in opposing this application on the grounds of the probability that granting the license would result in an increase in antisocial activities in the area in particular; litter from take-away fast-food shops, noisy drunken revelry, and use of areas around Skeldergate as a public toilet,


many thanks

[REDACTED]

Chair Bishophill Action Group

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<h1>NEXUS, 25 TANNER ROW</h1>		
SCALE 1:2000	DRAWN BY PSL	DATE 12/10/2006
Originating Group	Project	Drawing No.
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**MANDATORY 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.

MANDATORY CONDITION: EXHIBITION OF FILMS

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

MANDATORY CONDITION: DOOR SUPERVISION

- (1) In accordance with section 21 of the Licensing Act 2003, 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 be licensed by the Security Industry Authority.
- (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
 - (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.

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6.3 CITY CENTRE SPECIAL POLICY STATEMENT

This Special Policy was approved by the City of York on 12 April 2005 and shall have effect from 13th April 2005 to 6 January 2008 unless otherwise reviewed by the Council.

This Special Policy is a supplement to the Council's Statement of Licensing Policy and must be read in conjunction with that document.

This Special Policy relates to the following streets:

Micklegate, Toft Green, Tanner Row, Rougier Street, George Hudson Street, Bridge Street, Low Ousegate, Clifford Street, Tower Street, Tanner Moat, Wellington Row, North Street, Cumberland Street, King Street, Lower Friargate, Kings Staith, Peckitt Street, Blossom Street (to Holgate Road) and The Crescent (see Appendix K, Map of Special Policy Area).

This area has been identified as requiring additional licensing controls to promote the licensing objectives due to the cumulative effect of the concentration of late night drink led, refreshment and entertainment premises on crime, disorder and/or public nuisance affecting residents, visitors and other businesses.

A statistical, evidence based report was submitted by North Yorkshire Police to substantiate this statement and was considered by the City of York Council in approving this policy.

Consultation on the Special Policy was carried out in accordance with Section 5(3) of the Licensing Act 2003.

Effects of the Special Policy

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
2. Each application will be considered on its own merits.
3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
4. Applications for the grant of a new premises licence or club premises certificate or provisional statement :

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation :

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

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; and ss19, 20 and 21 mandatory conditions.
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: Paragraphs 5.47 Steps to promote the licensing objectives.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
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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