

Licensing Hearing

To: Councillors Sue Galloway, Horton and Moore

Date: Thursday, 22 March 2007

Time: 10.00 am

Venue: The Guildhall

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. The Determination of an Application by Alan Stephen Robinson for The Determination of an Application to Vary a Premises Licence Section 35(3)(a) in respect of the Lighthorseman, 124 Fulford Road, York, YO10 4BE. (CYC-008986)

If you require any further information, please contact Tracy Wallis on Tel 01904 551027 or Fax 01904 551035 or email tracy.wallis@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



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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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.**

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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.

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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

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- Applicant
- Representors & the relevant Responsible Authorities

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Licensing Act 2003 Sub Committee**22 March 2007**

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for The Lighthouseman, 124 Fulford Road, York**Summary**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-008986.
3. Name of applicant: A S & J Robinson.
4. Type of authorisation applied for: Variation of existing premises licence.
5. Summary of application: The nature of the application is to extend the licensed area for the supply of alcohol to the beer garden and external areas and to remove Condition 11 (Public Nuisance) listed under Annex 2 of the existing licence which stipulates 'The beer garden/external areas of the premise are closed to customers at 22:00 hours each day'.

Background

6. A copy of the application to vary the licence is attached at Annex 1.
7. A copy of the existing premises licence is attached at Annex 2.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that, in addition to existing conditions attached to the current licence, the licensing objectives would be met as follows:
9. The prevention of crime and disorder: No additional steps.
10. Public safety: No additional steps.
11. The prevention of public nuisance: Sign to be put on exit door asking patrons to respect residents and be quiet. Followed with careful monitoring.

12. The protection of children from harm: No additional steps.

Special Policy Consideration

13. This premise is not located within the special policy area.

Consultation

14. 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.
15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. There were no representations from responsible authorities.

Summary of Representations made by Interested Parties

17. Representations have been received from the interested parties listed at Annex 3 (confidential). Their representations are attached at Annex 4.
18. The addresses of the interested parties are indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which representations were received is attached at Annex 6. There were two representations from Sandringham Street and three from New Walk Terrace. 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.
19. 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.

Planning Issues

20. There are no planning issues relevant to this application.

Options

21. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-

22. Option 1: Grant the variation of the licence in the terms applied for.
23. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
24. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
25. Option 4: Reject the application.

Analysis

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

31. 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.
32. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

33.
 - **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

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

Recommendations

36. Members determine the application.

Contact Details

Author:

John Lacy
Acting Licence Manager
Licensing & Regulation

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Report Approved **Date** 6 March 2007

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal & Democratic Legal Services
551004

Wards Affected: Fishergate

For further information please contact the author of the report

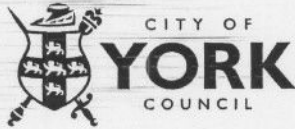
Background Papers:

- Annex 1** - Copy of application form to vary existing licence
- Annex 2** - Copy of existing licence
- Annex 3 (Confidential)** - List of Interested Parties
- Annex 4** - Representations from Interested Parties
- Annex 5 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 6** - Map showing general area from which representations received
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations

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RECEIVED

29 JAN 2007



CITY OF YORK COUNCIL
Licensing & Regulatory Services, 9 St Leonard's Place, York, YO1 7ET

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We AS + J ROBINSON (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

CYC 008986

Part 1 – Premises Details

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

THE WIGHTHORSEMAN
124 FULFORD ROAD

Post town

YORK

Post code

YO 10 4BE

Telephone number of premises (if any)

01904 624818

Non domestic rateable value of premises

£ 11,250.00

Part 2 – Applicant Details

Daytime contact telephone number

01904 624818

Email address (optional)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

ROBINSON

First names

ALAN STEPHEN

Current postal address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

| Day | Month | Year |
|-----|-------|------|
| 01 | 03 | 2007 |

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

Please describe briefly the nature of the proposed variation (please read guidance note 1)

EXTEND THE SUPPLY OF ALCOHOL TO THE
BEER GARDEN / EXTERNAL AREAS

MON, TUE, WED THUR 11AM - 0.00

FRI - SAT 11.00 - 01.00

SUN 11.00 - 00.00

TO DELETE N° 3 ON TIMING RESTRICTION

TO DELETE N° 11 ON PUBLIC SAFETY

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) play (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

| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| | | | | | |
| Tue | | | State any seasonal variations for performing play (please read guidance note 4) | | |
| | | | | | |
| Wed | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

B

| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors | |
|--|-------|--------|--|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| | | | | | |
| Tue | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| | | | | | |
| Wed | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| Tue | | | |
| Wed | | | |
| Thur | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5) |
| Sat | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainment Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors | | |
|--|-------|--------|---|---|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4) | | |
| Thur | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5) | | | |
| Sat | | | | | | |
| Sun | | | | | | |
| | | | | | | |

E

| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the playing of recorded music (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

G

| | | | | | | |
|---|--------------|---------------|---|--|-----------------|--|
| Performance of dance Standard days and timings (please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | | Indoors | |
| | | | | | Outdoors | |
| | | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | | | | | | |
| Tue | | | State any seasonal variations for the performance of dance (please read guidance note 4) | | | |
| Wed | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

H

| | | | | | | |
|---|--------------|---------------|--|--|-----------------|--|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | | |
| | | | Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | | Indoors | |
| | | | | | Outdoors | |
| | | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | | | | | | |
| Tue | | | State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | | |
| Wed | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e, f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

I

| | | | | | | |
|--|--------------|---------------|--|--|----------|--|
| Provision of facilities for making music Standard day and timings (please read guidance note 6) | | | Please give a description of the facilities for making music you will be providing | | | |
| | | | Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2) | | Indoors | |
| | | | | | Outdoors | |
| | | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | | | | | | |
| Tue | | | State any seasonal variations for the provision of facilities for making music (please read guidance note 4) | | | |
| Wed | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

J

| | | | | | | |
|--|--------------|---------------|---|--|----------|--|
| Provision of facilities for dancing Standard timings (please read guidance note 6) | | | Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2) | | Indoors | |
| | | | | | Outdoors | |
| | | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | | | | | | |
| Tue | | | State any seasonal variations for providing dancing facilities (please read guidance note 4) | | | |
| Wed | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

K

| | | | | | | | | |
|---|--------------|---------------|--|----------|--|--|--|--|
| Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment facility you will be providing | | | | | |
| | | | Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors | | | | |
| | | | | Outdoors | | | | |
| | | | | Both | | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | | | |
| Mon | | | | | | | | |
| Tue | | | | | | | | |
| Wed | | | | | | State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4) | | |
| Thur | | | | | | | | |
| Fri | | | | | | Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5) | | |
| Sat | | | | | | | | |
| Sun | | | | | | | | |

L

| | | | | | |
|---|--------------|---------------|---|----------|--|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | | |
| | | | | Indoors | |
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

M

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7) | On the premises | |
|---|-------|--------|--|------------------|-------------------------------------|
| Day | Start | Finish | | Off the premises | |
| Mon | 11.00 | 00.00 | State any seasonal variations for providing dancing facilities (please read guidance note 4) | Both | <input checked="" type="checkbox"/> |
| Tue | 11.00 | 00.00 | | | |
| Wed | 11.00 | 00.00 | | | |
| Thur | 11.00 | 00.00 | | | |
| Fri | 11.00 | 01.00 | | | |
| Sat | 11.00 | 01.00 | | | |
| Sun | 11.00 | 00.00 | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5) | | |
| | | | <p>24th, 26th, 27th + 28th DEC 11AM - 2AM 11AM - 2AM BANK HOL. WEEKEND (FRI-SAT) 11AM-2AM FROM THE END OF PERMITTED HRS NEW YEARS EVE TO THE START OF PERMITTED HRS. NEW YEARS DAY.</p> | | |

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

ONE AWP (FRUIT MACHINE) SITUATED OPPOSITE THE BAR

0

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | 11.00 | 00.30 | |
| Tue | 11.00 | 00.30 | |
| Wed | 11.00 | 00.30 | |
| Thur | 11.00 | 00.30 | Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5) 24-26-27 + 28th DEC 11.00 02.30 BANK HOL WEEKEND (FRI-SAT) 11.00 - 02.30 FROM END OF PERMITTED HRS. ON NEW YEARS EVE. TO START OF PERMITTED HRS. NEW YEARS DAY. |
| Fri | 11.00 | 01.30 | |
| Sat | 11.00 | 01.30 | |
| Sun | 11.00 | 00.30 | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N^{OS} 3 ON OTHER TIMING RESTRICTIONS
 N^{OS} 3 THE BEER GARDEN/EXTERNAL AREAS OF THE PREMISES ARE CLOSED TO CUSTOMERS AT 22.00 HRS EACH DAY.
 N^O 11 PUBLIC SAFETY

I have enclosed the premises licence
 I have enclosed the relevant part of the premises licence

Please tick ✓ yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

SIGN TO BE PUT ON EXIT DOOR ASKING
PATRONS TO RESPECT RESIDENTS + BE QUIET.
FOLLOWED WITH CAREFULL MONITORING

e) The protection of children from harm

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick ✓ Yes

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature *ASD*

Date *14-12-04*

Capacity *PREMISES LICENCE HOLDER*

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature *J. Robinson*

Date *14.12.06*

Capacity *PREMISES LICENCE HOLDER*

| | |
|---|------------------|
| <p>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</p> | |
| <p>Post town</p> | <p>Post code</p> |
| <p>Telephone number (if any)</p> | |
| <p>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</p> | |

Notes for guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

| |
|---|
| Premises licence number CYC - 008986 |
|---|

Postal address of premises:

**The Lighthorseman
124 Fulford Road**

Post town: **York**

Post code: **YO10 4BE**

Telephone number: 01904 624818

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Live Music
Recorded Music
Late Night Refreshment
Supply of Alcohol

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

LIVE MUSIC

Indoors

Monday

11:00 - 23:30

Tuesday

11:00 - 23:30

Wednesday

11:00 - 23:30

Thursday

11:00 - 23:30

Friday

11:00 - 00:30

Saturday

11:00 - 00:30

Sunday

11:00 - 23:30

RECORDED MUSIC

Indoors

| | | | |
|-------------------------|---------------------------|----------------------------|---------------------------|
| Monday 11:00 - 23:30 | Tuesday 11:00 - 23:30 | Wednesday 11:00 - 23:30 | Thursday 11:00 - 23:30 |
| Friday 11:00 - 00:30 | Saturday 11:00 - 00:30 | Sunday 11:00 - 23:30 | |

Non Standard Timings for LIVE MUSIC and RECORDED MUSIC:

- 24th, 26th, 27th and 28th December 11:00 - 01:00
- From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

SUPPLY OF ALCOHOL

| | | | |
|-------------------------|---------------------------|----------------------------|---------------------------|
| Monday 11:00 - 00:00 | Tuesday 11:00 - 00:00 | Wednesday 11:00 - 00:00 | Thursday 11:00 - 00:00 |
| Friday 11:00 - 01:00 | Saturday 11:00 - 01:00 | Sunday 11:00 - 00:00 | |

Non Standard Timings for SUPPLY OF ALCOHOL:

- 24th, 26th, 27th and 28th December 11:00 - 02:00
- Bank Holiday Weekends (Friday & Saturday) 11:00 - 02:00
- From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Opening Hours of the Premises

| | | | |
|-------------------------|---------------------------|----------------------------|---------------------------|
| Monday 11:00 - 00:30 | Tuesday 11:00 - 00:30 | Wednesday 11:00 - 00:30 | Thursday 11:00 - 00:30 |
| Friday 11:00 - 01:30 | Saturday 11:00 - 01:30 | Sunday 11:00 - 00:30 | |

Non Standard Timings:

- 24th, 26th, 27th and 28th December 11:00 - 02:30
- Bank Holiday Weekends (Friday & Saturday) 11:00 - 02:30
- From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

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

On & off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Name: Mrs Janine Robinson & Mr Alan Stephen Robinson

Address: The Lighthorseman
 124 Fulford Road
 York
 YO10 4BE

Telephone number: 01904 624818

Email address: None

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

Name: Mr Alan Stephen Robinson

Address: The Lighthorseman
 124 Fulford Road
 York
 YO10 4BE

Telephone number: 01904 624818

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-010058

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.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE

Credit Sales

1. 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.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

Late Night Refreshment

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices Licence.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. A member of the Pubwatch Scheme.
2. Radio link/pager system in operation at the premise.
3. CCTV installed and maintained both internally and externally.
4. No irresponsible drinks promotions are encouraged at the premise.
5. All members of staff are trained in relation to the sales of alcohol to persons under the age of 18 years.

Public Safety

6. Pre-opening safety checks are carried out.
7. Emergency exits and routes are maintained at all times.
8. Annual testing/inspection of the Gas Installation, Electrical Installation, Emergency Lighting and Fire Alarm System are undertaken by qualified engineers.

Public Nuisance

9. Doors and windows are kept closed when entertainment is in progress.
10. Persons who persistently cause a disturbance outside the premise either before or after entry will be banned from the premise.
11. The beer garden/external areas of the premise are closed to customers at 22:00 hours each day.
12. Signs posted at the exits reminding customers to leave quietly and with respect for local residents.
13. Management will ensure that the grounds of the premise will be kept tidy and without nuisance to other neighbouring businesses or residents.

Protection of Children from Harm

14. No persons under the age of 18 years allowed access to any part of the premise except the beer garden after 21:00 hours on any day.
15. The family room is a designated no smoking area.

16. A PASS accredited ID scheme is in place to assist in relation to underage sales of alcohol as well as access to the premise.

17. Persons age under 18 years of age to be excluded from the premise on occasions which the management deem appropriate and subject to the activities to be taking place.

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

1. The supply of alcohol shall cease 30 minutes prior to the end of opening hours on each and every day.

2. Live and recorded music shall cease 60 minutes before end of opening hours on each and every day.

3. All off sales shall be made in sealed containers.

4. All external doors and windows shall be closed during regulated entertainment except for access and egress.

5. All noise emanating from regulated entertainment shall be inaudible at the nearest noise sensitive premise.

For and on behalf of
The Deputy Chief Executive

Date: 06/09/2005

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

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

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

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19/2/07

26 SANDRINGHAM STREET
FISHERGATE YORK
YO10 4BA.

Dear Sis or Madam.

①

I understand that the "Lighthouse" public house is applying to vary their licence to allow them to serve drinks in the beer garden & surrounding area, & to have the present restrictions on the beer garden lifted.

My husband & I are very sorry to say we are against this application.

If this is allowed people's sleep pattern will be greatly disturbed.

This public house is in

2

the middle of a residential area of houses, student accommodation, 2 hotels & guest houses.

Some of the house windows are only a few yards off the beer garden.

Children will be going to school tired, also the workers, students to college/uni & visitors if this is granted.

When people drink outside especially at night voices carry, & the more they drink the louder they get.

We have two bedrooms

3

whose windows look onto the best garden and if we sleep in either of these rooms we have to have the window open owing to my husband's medical condition whether it is summer or winter.

If this application is because of the new no smoking policy due to come into force in July why can they not convert the brick built building they have on the edge of the car park into a smoke room. This would maybe solve their problem.

4

I'm not against anyone
drinking to their hearts
content providing it is
inside & doesn't disturb
anyone else.

Will you
please therefore consider
the residents in this
case.

The present restrictions
in force on the beer
garden work fine.

The last time the
"Light horseman" applied
for the licence to be
altered regarding the
new licensing laws we
were sent a letter
but this sent time we

5

were at. Had I not seen
it in these windows we
wouldn't have known
anything about it.

Yours sincerely

HORNA ELLIOTT MRS

NYC
20/02

CITY OF YORK
DEDS
20 FEB 2007
RECEIVED

Rec'd

22/2/07

(2)

Licensing Officer,
Licensing Office,
9 St Leonards Place,
York YO1 7ET

21.2.2007

Dear Sir,

Re CYC-008986 application for the grant or variation of a premise licence: The Lighthorseman, 124 Fulford Road, York YO10 4BE.

I understand that the applicants, AS & J Robinson, have applied to extend the area for the supply of alcohol to include the beer garden and all external areas and for the removal of existing restrictions on the use of the beer garden.

As a resident of New Walk Terrace, I wish to object to this application on the grounds that this change will result in significant noise late into the night which will disturb residents of New Walk Terrace and their children and prevent them from sleeping.

I think it is likely that the proposed changes will significantly impact on a quiet residential street and that the removal of restrictions on the supply and consumption of alcohol in the external areas are likely to create a public nuisance from noise and disturbance.

I feel that lifting of the existing restrictions to allow late night drinking in an outside beer garden within yards of the houses of families with young children is not appropriate.

Yours faithfully

Neil Jenkins

New Walk Terrace,
York,
YO10 4BG

| | |
|--------------------------|----|
| CITY OF YORK COUNCIL | |
| APPLICATION ACKNOWLEDGED | |
| DATE 22/02 | HP |
| | |
| | |

[Redacted]
Sandringham Street
York
YO10 4BA

20 February 2007

The Licensing Office
9 St Leonard's Place
York
YO1 7ET

City of York
Council
22 FEB 2007
RECEIVED

110510

To Whom it may concern

Variation of Premises Licence The Lighthouse Pub Fulford ref CYC 008986

We would like to object to any extension of licence or to the removal of the current restrictions in place with regard to use of the Lighthouse's beer garden.

As you can see we live at 27 Sandringham Street overlooking the car park of the pub.

A couple of years ago the pub was given planning permission to build french windows opening on to the beer garden. Both ourselves and our neighbours were not given the opportunity to object to this extension having not been informed. When we complained we were told that we had been 'missed out of the loop' and there was nothing to be done at that late stage the work having been completed. We were assured at the time that restrictions were in place to prevent this causing a nuisance. We now find those restrictions are in danger of being lifted.

We suffer already from increased noise from the pub as a result of the new windows and extended opening hours. On a sunny day when they are open the noise prevents us from sitting outside ourselves and the disturbance lasts throughout the day and well into the night on sunny weekends. If a football match is being played the noise is such that we might be in a football stadium. The volume of music is also a problem exacerbated when the doors are open, especially on live 'music' nights and Karoke evenings.

In addition, our bedroom overlooks the car park. At closing time the shouting (sometimes screaming) and banging of car doors (which often sets off the landlord's dogs) often wakes us. This is bearable at 11.00 but at midnight or 1.00/1.30am is totally unacceptable.

This is a residential area. If drinkers want to drink late at night there are many options open to them elsewhere without having to spill outdoors into the beer garden and preventing those of us in close proximity from having a reasonable environment in which to live and sleep.

Regards

[Redacted signature]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 22/02 07

4

Mike Moran
New Walk Terrace
York
Y010 4BG

February 22nd 2007

Re: Licensing Act 2003
Applications received for the grant or variation of a Premise Licence/Club
Premise Certificate (from 25/01/07)

REF: CYC -0089886 – The Lighthouseman – 124 Fulford Road Y010 4BE

I am a resident of New Walk Terrace and my house overlooks the garden and car park of The Lighthouseman. I have lived in York for most of my life and have resided in New Walk for 23 years. New Walk Terrace and the surrounding areas are a residential area. New Walk Terrace particularly is now predominantly occupied by families with young children. As we live opposite the garden we would be very concerned about the Variation of Premises Licence. We would expect extra noise and disturbance if the hours were to be extended. **We would want the present restrictions on the use of the garden to remain.** We are concerned that when the smoking restriction laws come into force the garden will become an extra bar with all the noise that will bring. Furthermore there is a low brick wall along the car park that people use as a "bench" for drinking – we would expect this practice to multiply with the proposed variation. In conclusion I would hope that you can recognise our concerns.

Thanking you
Mike Moran

[Handwritten signature]

| | |
|--------------------------|----------|
| CITY OF YORK COUNCIL | |
| APPLICATION ACKNOWLEDGED | |
| DATE | 26/02 JR |
| | |
| | |

5

New Walk Terrace
York
YO10 4BG

Licensing Office
9 St Leonard's Place
York
YO1 7BT

22 February 2007

Dear Sirs

CITY OF YORK
DEDS
26 FEB 2007
RECEIVED

110882

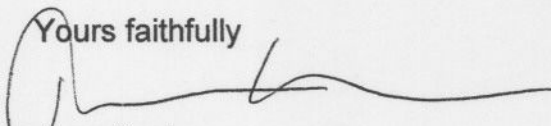
Ref; CYC-008986 The Lighthouseman, Fulford Road

I live at [redacted] New Walk Terrace and my house overlooks the garden of the Lighthouseman. I wish to object to the removal of the restrictions which would allow use of the beer garden after 10.00pm.

New Walk Terrace is a residential street occupied mostly by families with children. I have three young children. Two of them have bedrooms at the front of the house and are therefore only feet away from the garden. In the summer when the garden is in use it is fairly noisy and has on occasion disturbed the childrens' sleep during week. We have never complained about this because the noise has always stopped at 10.00pm and we have adopted a "live and let live" approach. However, if the time is extended this will constitute a nuisance to the children and indeed to ourselves.

I believe that when the smoking ban is introduced the garden will be far more crowded and noisy than it is at present. Having spent a fair amount of time in Scotland, where the smoking ban was introduced last year, we have noticed that pub gardens there tend to be full smokers. The increased use of the Lighthouseman garden will undoubtedly result in more noise. Further, I believe the smoke will constitute a nuisance when our windows are open; it is bound to drift across to us. As well as being unpleasant this does constitute a health risk. One of my sons is severely asthmatic and I think it will be both unhealthy and unpleasant for him to exposed to smoke whilst in bed trying to get to sleep late at night.

We get on well with the current landlords of the pub and I do feel uncomfortable about making this submission. I appreciate that the smoking ban is going to impact upon their business but I feel that given the pub is situated in a residential area if there is to be an extension granted there should be some element of compromise and the garden should be vacated by 10.30pm at the very latest.

Yours faithfully

Jane Davies

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 26/02 JR

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

Document is Restricted

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9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

THE LIGHTHORSEMAN, 124 FULFORD ROAD

SCALE: 1:1000

DRAWN BY: PSL
Project

DATE 27/2/2007
Drawing No.

TLHFR1A

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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.

Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s34 application to vary premises licence; s35 determination of application under section 34; s36 supplementary provision about determinations under section 35; 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; 13.25 to 13.29 Variations of new premises licences.
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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