



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009396

Postal address of premises:

3-5 Toft Green

Post town: **York**

Post code: **YO1 6JT**

Telephone number: 01904 620203

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Boxing or Wrestling
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

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

FILMS

Indoors

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

BOXING OR WRESTLING

Indoors

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

LIVE MUSIC

Indoors

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

RECORDED MUSIC

Indoors

| | | | |
|-------------------------|---------------------------|----------------------------|---------------------------|
| Monday 11:00 - 03:45 | Tuesday 11:00 - 03:45 | Wednesday 11:00 - 03:45 | Thursday 11:00 - 03:45 |
| Friday 11:00 - 03:45 | Saturday 11:00 - 03:45 | Sunday 11:00 - 03:45 | |

PERFORMANCES OF DANCE

Indoors

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

LATE NIGHT REFRESHMENT

Indoors

| | | | |
|-------------------------|---------------------------|----------------------------|---------------------------|
| Monday 23:00 - 03:45 | Tuesday 23:00 - 03:45 | Wednesday 23:00 - 03:45 | Thursday 23:00 - 03:45 |
| Friday 23:00 - 03:45 | Saturday 23:00 - 03:45 | Sunday 23:00 - 03:45 | |

SUPPLY OF ALCOHOL

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

Non Standard Timings for Films, Boxing or Wrestling, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment and Supply of Alcohol:

From the end of permitted hours New Years Eve to the start of permitted hours New Years Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

The Opening Hours of the Premises

| | | | |
|-------------------------|---------------------------|----------------------------|---------------------------|
| Monday 11:00 - 04:00 | Tuesday 11:00 - 04:00 | Wednesday 11:00 - 04:00 | Thursday 11:00 - 04:00 |
| Friday 11:00 - 04:00 | Saturday 11:00 - 04:00 | Sunday 11:00 - 04:00 | |

Non Standard Timings:

From the end of permitted hours New Years Eve to the start of permitted hours New Years Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

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 premise licence:

Name: Tokyo Industries (Lincoln York Hull) Ltd

Address: 201 Chapel Street
Manchester
M3 5EQ

Telephone number: None

Email address: None

Registered number of holder, for example company number, charity number (where applicable):

08171028

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

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

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

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

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

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

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

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

where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

MANDATORY CONDITION: DOOR SUPERVISION

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

MANDATORY CONDITION: EXHIBITION OF FILMS

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. Digital CCTV will be installed to cover the premises and will include all areas to where public have access to consume alcohol and where licensable activities are undertaken.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings will be of evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings will display the correct time and date of the recording.
6. A member of staff trained to use the CCTV system shall be on duty at all times so as to ensure the recorded images are made available for inspection and downloading immediately upon request to any responsible authority.
7. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
8. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.
9. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
10. Drinking vessels of any type shall not be allowed to enter or leave the premises whilst under the customers care; save for movement into the outside drinking area attached to the venue.
11. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
15. The venue shall partake in the York night-time economy radio system.
16. There shall be no consumption of alcohol by patrons queuing to enter the premises.

17. When any entrance is being used by members of the public door supervisors shall be positioned at every entrance to the premises in accordance with conditions 18, 19 and 20. For the purpose of clarity the entrances to the venue are the door leading to the main club; the door leading to the bar area (ie the middle entrance); the door leading to the Sexual Entertainment Venue; (the total number of door supervisors is applicable across the licensed area not necessarily two per door at all times unless customer numbers dictate such deployment).

18. An adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue from 21:00hrs until the venue closes for business on the following occasions:-

- i) every Friday and Saturday evening
- ii) the evening before a Bank Holiday
- iii) the evening of race meetings held at York Racecourse (save for the family meeting held in September and the first meeting held in May).

19. Save for occasions when the audience is less than one hundred customers an adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue whenever live music (that does not fall under the definition laid out in the Live Music Act) is being undertaken at the venue; their deployment being at least one hour prior to the start of any concert until the venue closes for business.

20. An adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue from 23:00hrs until the venue closes for business on all other occasions.

21. So as to ensure the licensing objective the prevention of crime and disorder is not undermined, there shall be a total capacity limit of 860 people.

22. If a DJ is used on any night they will ask customers to leave quietly.

23. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.

24. Text/radio pagers are used within the venue, they are monitored by a responsible member of staff.

25. Toughened glass is used in the venue.

26. Music and dancing will be a prominent feature of trading.

27. For the purpose of clarity the licensable area of the venue shall be restricted to the building only. There shall be no licensable activities undertaken on the footpath directly outside the venue.

The following conditions apply to the outside drinking area:-

28. The boundary of the outside area shall be clearly defined by a barrier at all times the area is being used.

29. Customers shall remain seated when consuming alcohol in the outside smoking area.

30. There shall be no sale of alcohol in the outside area.

31. The outside area shall not be used for the consumption of alcohol after 21:30hrs. For the purpose of clarity, after 21:30hrs the outside area shall only be used by people who wish to smoke

32. The outside area shall be cleared of drinking vessels by 21:45hrs.

Public Safety

33. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.

34. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.

35. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.

36. The seating layout shall be agreed with the appropriate authorities.

Public Nuisance

37. No amplified music or regulated entertainment shall be provided in the entrance, reception or lobby areas of the premises.

38. The internal lobby doors to the main entrance and the doors from the reception to the main dance floor and the cafe bar shall be kept closed except when being used for entry or exit.

39. Access to the smoking area after 23:00hrs, shall be via the main entrance door only.

40. During provision of live or recorded music, the emergency exit doors in the centre of the Toft Green facade leading from the Beer Keller area shall be kept shut after 23:00hrs and prior to that the doors shall only be opened for ingress or egress.

41. Any patrons waiting outside the premises for entry into the venue, and those using the smoking area shall be managed by premises staff to ensure noise arising from these patrons, such as shouting, singing and chanting is kept to a minimum.

42. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These patrols shall monitor the noise arising from within the premises and created by patrons within the vicinity of the premises. These checks shall be undertaken outside the building each hour at three locations: to the left hand side of the facade, adjacent to 1 Toft Green; to the right hand side of the building, adjacent to the rear of 92 Micklegate and on Barker Lane, adjacent to Lawrance House. The checks shall be completed and recorded in accordance with a procedure to be agreed with City of York Council within 1 month of issue of the varied licence granted 24 September 2014.

43. The internal double doors between the Beer Keller and the Fibbers club shall be kept closed after 23:00hrs.

44. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

45. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

Protection of Children from Harm

46. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market.

47. The venue intends to have specially organised events for the youth market when the venue will adhere to the following Company Policies:

- a) Admission Policy
- b) General Policies Statement
- c) Code of Conduct for Staff Statement and
- d) Child Protection Policy

48. For Regulated Entertainment consisting of Music and Dancing:

a) The licence holder shall attach a copy of the City Council's Rules for the Management of Places of Public Entertainment to the valid licence. This document shall form part of the licence.

b) The licence holder shall ensure prompt compliance with any written report received from the City Council.

c) The licence holder shall ensure prompt compliance with any written report received from North Yorkshire Fire and Rescue Service.

d) The noise generated from the use of these premises shall not exceed a Noise Rating 25 (ISO.R=1966: 1971) when measured at a distance of one metre from the nearest noise sensitive facade and be of such a level so as not to constitute a nuisance to inhabitants of the neighbourhood.

e) In accordance with Condition 1.11 of the Rules of Management of Places of Public Entertainment licensed by the City of York Council, written consent is hereby given for these premises to be used for entertainment attended wholly or mainly by children subject to the attached conditions being complied with. This consent is limited to Tuesday evenings between the hours of 18:30 - 21:00 when the premises may remain open for disco and dancing from 14 to 17 year olds.

Schedule of additional conditions to be complied with when entertainments attended wholly or mainly by children are given.

49. A sufficient number of competent and adequately trained adult attendants shall be on duty during events which are to be attended wholly or mainly by children. The minimum number of attendants on duty must be as follows:

One attendant for every 100 or part there of accommodated on the ground floor.
One attendant for every 50 or part there of accommodated on the first floor.

Persons whose normal duties are other than the assistance of persons entering the entertainment area, should not be included in calculating the number of attendants.

50. Attendants must be specifically instructed as to their essential duties and responsibilities in the event of fire or other emergency.

51. Attendants should be easily identifiable by means of some conspicuous clothing or marking system which is visible under all lighting conditions.

52. Training of attendants must include instruction in the following areas:

- a) the action to be taken upon discovering a fire;
- b) the action to be taken upon hearing the fire alarm;
- c) raising the alarm, including the location of the alarm call points and alarm indicator panels;
- d) the correct method of calling the fire brigade;
- e) the location and use of fire fighting equipment;
- f) knowledge of escape routes;
- g) knowledge of the method of operation of any special escape door fastenings;
- h) appreciation of the importance of fire doors and the need to close all doors at the time of a fire and on hearing the fire alarm;
- i) the operating of all escape doors not in regular use, to ensure that they function satisfactorily; and
- j) evacuation of the building to an assembly point at a place of safety (to include reassuring persons attending the entertainment and escorting them out of the premises).

53. Attendants must have attended at least one practice fire drill following completion of training.

54. Notices must be prominently displayed where parents deposit children, saying that in the event of an emergency children will be escorted by a member of staff to a named collection point outside the building.

55. Account should be taken of the additional responsibility caused by the attendance of disabled children. Further attendants will need to be on duty, the number of which will depend on the number of disabled children attending and the nature of their disabilities.

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

1. There shall be no admissions to the premise after 03:00hrs, except for patrons using the smoking terrace.
2. The sale of alcohol shall cease 30 minutes before closing time.
3. The sale of late night refreshment shall cease 15 minutes before closing time.
4. Recorded music shall cease 15 minutes before closing time.
5. All licensable activities, namely; Films, Live Music and Performance of Dance, shall cease 30 minutes before closing time.
6. The licensable activity, Boxing and Wrestling, shall cease by 02:00hrs.
7. A dispersal policy agreed with the Licensing Authority and North Yorkshire Police shall be adhered to at all times.
8. One marshal will control the access and egress from the internal door in the premises leading to the smoking area and the second marshal shall monitor the behaviour of those patrons using the smoking area.

Annex 4 – Approved Plan

Plan Number TO/Y0/322/01 & 02

For and on behalf of
The Director of Communities
& Neighbourhoods

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Date: 15/08/2005
21/05/2015 (Transfer)

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing