

Licensing/Gambling Hearing

To: Councillors D'Agorne, Melly and Orrell

Date: Thursday, 25 August 2022

Time: 10.00 am

Venue: Remote Hearing

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

4. Exclusion of Press and Public

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

5. Minutes

To approve and sign the minutes of the Licensing Hearings held on 11 July 2022 and 21 July 2022.

6. The Determination of a Section 35(3)(a) Application by Old Grey Mare Ltd for Variation of a Premises Licence in respect of The Old Grey Mare, Clifton Green, York, YO30 6LH (CYC-9044)

Democratic Services officer:

Name: Fiona Young

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

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS

Introduction

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

Preparation for the Remote Licensing Hearing

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

The Remote Licensing Hearing

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.** Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

ORDER OF PROCEEDINGS AT THE REMOTE HEARING

Chair's introduction and opening comments

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their

representatives), and establish the identity of all who will be taking part.

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

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

Licensing Manager

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

The Application

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

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation [*maximum 15 minutes each party*]:

- Police
- Other Responsible Authorities

- Ward Councillors
 - Public representation
24. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Summaries

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
- Police
 - Other Responsible Authorities
 - Ward Councillors
 - Local residents
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

Determination

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. 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.

30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) usually within 5 working days of the hearing. There can be no further questions or statements.

31. If the Sub-Committee does not 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 Democratic Services 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 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	11 July 2022
Present	Councillors Galvin, Looker and Wann

7. Chair

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

8. Introductions

The Chair introduced those present at the hearing: the Sub-Committee Members, the Legal Adviser, the Democratic Services officer, the CYC Licensing Manager Lesley Cooke, the Applicant and the Representors.

9. Declarations of Interest

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

10. Exclusion of Press and Public

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

11. Minutes

Resolved: That the minutes of the Licensing Hearing held on 13 June 2022 be approved as a correct record, to be signed by the Chair at a later date.

12. The Determination of a Section 18(3)(a) Application by Bad Habits Coffee Bar Limited for a Premises Licence in respect of The Old Butcher's Coffee Shop, 16a York Street, Dunnington, York YO19 5PN (CYC-070776)

Members considered an application by Bad Habits Coffee Bar Limited for a premises licence in respect of The Old Butcher's Coffee Shop, 16a York Street, Dunnington, York YO19 5PN.

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

- The Prevention of Public Nuisance

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

1. The application form.
2. The papers before it and the written representations.
3. The Licensing Manager's report, and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, noting that the premises were not in the cumulative impact area (CIA) and confirming that the Applicant had carried out the consultation process correctly. She drew attention to the additional conditions agreed with North Yorkshire Police as set out in Annex 3, and the representations from local residents contained in Annex 5. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to a question from a Representor, the Licensing Manager confirmed that the application had been advertised in the York Press on 28 May, that only one such advertisement was required, and that the blue notices must be placed outside the premises.

4. The representations made by Razvan Pavel on behalf of Bad Habits Coffee Bar Limited (henceforth referred to as the Applicant).

The Applicant stated that the premises consisted of a small café serving breakfasts, brunch and lunch, using local fresh produce. Following feedback from customers, he had decided to apply for a licence to help him provide a dinner service as well. He said that he had displayed the notices correctly and the council had checked them. He pointed out that the law did not prevent customers from leaving the premises at 11pm after consuming alcohol that they had brought with them. However as most of his customers were Dunnington residents he believed they would leave in a quiet and respectful manner. Notices would also be displayed asking guests to be quiet when leaving. A bar or pub service would not be offered; service would be bistro style with guests seated and able to enjoy a glass of beer or wine etc with their meal. He referred to the conditions agreed with the police and said that [the operators] would continue to do their best to protect and respect their neighbours and the other residents of Dunnington.

In response to a question from a Member of the Sub-Committee, the Applicant clarified that the premises currently closed at 4 pm and people did not bring their own alcohol.

5. The representations made by Catherine McClean and Alex McClean, local residents, on behalf of themselves and two other neighbours, who had also made representations.

Catherine McClean stated that she and her family had lived near the premises for 9 years. When they moved in it was a butcher's shop, and they had adapted to changes made when it became a café and then set up an outdoor seating area. They were not 'troublemakers' but had serious concerns about this application. Their daughter was about to start GCSEs and went to bed at 9pm; other members of the family went to bed at 9:30pm and all the bedrooms faced onto York Street. People who had consumed alcohol were not quiet and there would be noise from goodbyes, car doors, taxis etc. This was very disruptive. Most of the residents of the street were elderly.

As there was also a newsagent on the street which opened at 6:30 am, and to have noise both ends of the day would be terrifying. Noise was a cause of public nuisance. A lot of neighbours were not even aware of the application and the other Representors were the only ones who had managed to get their comments in on time. Although she wished the business well, bringing in alcohol was always disruptive, and the street was currently very quiet in the evenings.

Alex McClean added that the nearby Greyhound pub had closed down for lack of business and the Cross Keys and Sports Club were not thriving either; however this was a side issue and their main concern was the noise, along with the operating hours.

On a point of clarification raised by Mrs McClean in her submission, the Applicant confirmed that alcohol would only be served inside and that he would not be running a pub service.

The Representors and the Applicant were each then given the opportunity to sum up.

Mrs McClean summed up on behalf of herself and Mr McClean, stating that their concerns related to the disruption caused by alcohol and its effect on their children and their education. The family all went to bed early, their daughter needed a lot of sleep, and even with the best of intentions there would be noise from the premises. The effect of this would be worse because of the close proximity of their home, which was right on the street, with no 'buffer' area.

The Applicant stated that he did not wish to add anything to his previous submissions.

Members of the Sub-Committee sought clarification from the Applicant on matters relating to the business, and the Applicant stated that:

- 90% of his customers were from Dunnington; they liked to go out for a walk, enjoy a meal and then walk home.

- If the application was rejected he would still open in the evenings; without a licence he would not have to follow any rules.

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

Option 1: Grant the licence in the terms applied for. This option was **rejected**.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

Option 4: Refuse to specify a person on the licence as premises supervisor. This option was **rejected**.

Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence granted with modified / additional conditions imposed by the Sub-Committee, as set out below:

Proposed Activity	Timings
Supply of alcohol – on and of the premises	12:00 to 22:30 every day
Opening hours	09:00 to 23:00 every day

The additional/modified conditions are as follows:

- (i) Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

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

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

- (iii) The premises shall operate the Challenge 25 policy for the sale of alcohol.

The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

- (iv) The premises shall operate as a coffee house/ bistro not as a bar or vertical drinking establishment providing food and non-alcoholic drinks.
- (v) There shall be a minimum of 20 chairs/seats for customer use inside the premises at all times the venue is open to reduce the need for vertical drinking.
- (vi) All off sales shall be in sealed containers.

No conditions have been removed from the operating schedule submitted by the Applicant.

- Reasons:
- (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy,
 - (ii) The Sub Committee carefully considered the concerns raised by the parties who had made representations at the hearing and in writing relating to public nuisance, with regard to concerns about noise disturbance particularly late at night that would impact their quality of life and the proximity of the premises and associated outside space in relation to their homes.
 - (iii) The Sub-Committee also considered the representations made by the Applicant to address concerns raised. It was also noted that Public Protection did not object and that the police had agreed with the applicant additional conditions to be added to the grant of a licence.
 - (iv) Whilst the Sub-Committee acknowledged the concerns expressed by residents, it was felt that as this license relates to a new premises, the concerns that the supply of alcohol would cause a public nuisance were mainly speculative. It also considered the nature of the proposed activities, noting that the establishment was intended to primarily operate as a coffee house/bistro, rather than as a drinking establishment. The Sub-Committee was satisfied overall with the proposed arrangements and responsible attitude of the Applicant and felt that the conditions offered by the Applicant were appropriate and proportionate to deal with the concerns raised. The Sub-Committee did not find any evidence to justify a refusal of the application and it was felt that further conditions would not be necessary in order to promote the licensing objectives on the basis of the evidence before the Sub-Committee.
 - (v) It was noted that the Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant of a premises licence, a Responsible Authority or 'other persons', such as a

local resident, to ask the Licensing Authority to review the licence if they consider that one or more of the licensing objectives are being undermined, therefore allaying the concerns of the local residents.

Cllr J Galvin, Chair

[The meeting started at 10.00 am and finished at 10.40 am].

Meeting	Licensing/Gambling Hearing
Date	21 July 2022
Present	Councillors Galvin, Looker and Melly

13. Chair

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

14. Introductions

The Chair introduced the Sub-Committee Members, the Legal Adviser and the Democratic Services officer. The CYC Licensing Manager Lesley Cooke, the Applicant's solicitor Richard Taylor, Maria Farrugia from GTFO Bars Ltd (the Applicant) and the Representatives, Mr & Mrs Cooper, all introduced themselves.

15. Declarations of Interest

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

16. Exclusion of Press and Public

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

17. Minutes

It was confirmed that the minutes of the Licensing Hearing held on 13 June 2022 had already been approved at the hearing on 11 July.

18. The Determination of a Section 35(3)(a) Application by GTFO Bars Ltd for Variation of a Premises Licence in respect of The White Horse Inn, The Green, Upper Poppleton, York, YO26 6DF (CYC-08978)

Members considered an application by GFTO Bars Ltd. for variation of a premises licence in respect of The White Horse Inn, The Green, Upper Poppleton, York YO26 6DF.

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

- The Prevention of Public Nuisance

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

1. The application form.
2. The papers before it, including the additional papers submitted by the Applicant (*now published as an Agenda Supplement*) and the written representations.
3. The Licensing Manager's report, and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, noting that the premises were not in the cumulative impact area (CIA) and confirming that the Applicant had carried out the consultation process correctly. She drew attention to the amendment agreed with North Yorkshire Police to the suggested new condition, as set out in Annex 4, and to the representation from local residents contained in Annex 5. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to questions from the Representors, the Licensing Manager confirmed that the application did not include any change to the existing hours for the service of alcohol or closing times. The bar would have to close at 11:00 pm and be cleared and vacated by 11:30 pm.

4. The representations made by Richard Taylor, solicitor for the GTFO Bars Ltd. (the Applicant), on behalf of the Applicant.

Mr Taylor stated that the application was for a variation, amending the plan [of the licensed area] to include a new bar, or rather a multi-functional servery, that would close no later than 11:00 pm. He stressed it was important for the panel to concentrate on what the application was about, and to decide simply whether they were happy to allow drinks to be served from a new servery adjacent to the garden. Drinks could already be consumed outside until 11:30 pm. Nothing would change except that people would on occasion use the outside bar service. The operator, Maria Farrugia, had held a personal licence since the 2003 Licensing Act came into force and had operated several licensed premises in the region, including Winter Wonderland, YO1 and the Ryedale Maze, before taking over the White Horse at Easter. Her intention was to develop the premises and to make better use of the store in the garden - occasionally as a bar but also for other functions such as a bakery counter, a shop, and a pizza servery.

Referring to the additional documents circulated to the parties (*now published as an Agenda Supplement*), Mr Taylor explained that there would be no additional furniture to that shown in the photographs. The only change would be the removal of the large covered area in photograph 7; this was likely to be converted to parking for disabled customers. He said that the letter had been written to the Representors by Ms Farrugia, inviting them to discuss their concerns, and that though he did not seek to criticise the Representors, they had not responded.

Mr Taylor went on to say that there had been no representations from responsible authorities, and the additional condition agreed with the police meant the bar must be cleared and vacated by 11:30 pm. Referring to the local residents' representations at page 59 of the agenda papers, he said he understood their concerns and was pleased they had lived in their property for 11 years with no problems. Off sales and drinking had taken place in the garden of the premises up to 11:30 pm for all that

time. During the pandemic, the whole of the car park had been used as a beer garden. The new bar would be 2m wide, situated inside the doors shown in photographs 2 and 5. It was closer to the pub and further away from the Representors. There would be no extra seating and no changes to music (permitted until 10:30pm on the current licence), nor to 'drinking up time'. The smoking area and car park were not relevant to the application. It was a matter of whether the operators could sell alcohol over the bar on occasion and the effect of the application was net zero.

In response to questions from the Representors, Ms Farrugia and Mr Taylor confirmed that:

- The new layout of the beer garden did not allow room for any more chairs or tables, so it would not get busier.
- The operator would have no problem with putting up notices in the beer garden asking customers to respect the neighbours, as it was in everyone's interest not to disturb each other.
- The operator would work with the Representors to ensure no nuisance was caused to them by the pub, and had offered to liaise already.

[Mr Cooper explained at this point that he and his wife had been away on holiday when the letter arrived and then had Covid, so had not been able to respond.]

In response to questions from the Panel Members, Ms Farrugia and Mr Taylor stated that:

- The house marked as no. 15 on the map at page 43 was about 40-50 yards from the proposed new serving area.
[Mr Cooper estimated the distance as no more than 30 yards].
- There was no designated smoking area and no change to the smoking arrangements was proposed.
- Under the Licensing Act, as clarified by the s.182 guidance in paragraphs 8.35-8.37, it was permitted to purchase alcohol within the licensed area and 'appropriate' it to drink it outside the licensed area.

- If the application was granted, the 'red line' on the plan would be extended to cover the new bar, but not the seating area.

5. The representations made by Mr and Mrs Cooper, local residents.

Mr Cooper stated that if the application was granted the outside area would probably get busier, and there would also be disturbance from the car park, with cars parking and doors slamming. The car park was very close to their house. He said their concerns about drinking up time, music, and closing time had been alleviated by the Applicant's comments at the hearing. However they did not want it getting any noisier.

Mrs Cooper added that their main concern was the noise - and children, if they were about. There had not been any problems before, but they had been alerted by the noise occurring during the pandemic. Everyone in their cul-de-sac was elderly and they themselves had moved to a bungalow from the other end of the village and had never had problems with the noise before.

Finally, Mr Cooper said that he didn't want anyone to go out of business; he just wanted them to keep the noise down.

The Representors and the Applicant were each then given the opportunity to sum up.

Mr and Mrs Cooper confirmed that they had no further comments to make.

Mr Taylor summed up for the Applicant, re-iterating that it was important for the Panel to concentrate on the effect of the proposal before them, which was an application for a variation to allow alcohol sales from a multi-purpose bar. He pointed to the evidence in favour of the application, namely:

- no representations from responsible authorities, who were the experts on noise nuisance and anti-social behaviour;
- no representations from other neighbours;

- an experienced operator with an unblemished record who had tried to engage and had said she would continue to act in a neighbourly fashion, inviting the Representors to have a chat about any concerns;
- no previous problems experienced by the Representors, who had lived there a long time.

He stated that no evidence had been heard against the application, just concerns, and although he sympathised with these they did not constitute evidence. He invited the Panel to grant the application, perhaps with an extra condition requiring the Applicant to display notices asking customers to respect the neighbours. If any problems occurred they could be discussed and he was confident the matter would not come back for review.

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

Option 1: Modify the conditions of the licence. This option was **approved**.

Option 2: Reject the whole or part of the application. This option was **rejected**.

Resolved: That Option 1 be approved and the conditions of the licence be modified, as set out below:

- a) To extend the licensable area to include a new external bar servery as per the plan submitted with the application.
- b) A new condition is added to the licence to require the new external bar servery to close no later than 2300 each day.

The existing conditions on the licence shall apply in all respects.

The varied licence is subject to any relevant mandatory conditions.

- Reasons:
- (i) The Sub-Committee noted the scope of the variation as applied for and that as the premises already had a licence to sell alcohol, it was only the impact of the external bar as an addition to the premises licence which could be considered.
 - (ii) The Sub Committee carefully considered the concerns raised by the residents who had made representations at the hearing and in writing relating to public nuisance, with regard to concerns about noise disturbance, with particular regard to late noise issues due to the proximity of the outside area of the premises to their home.
 - (iii) The Sub-Committee also considered the representations made by the Applicant to address concerns raised. It was also noted that Public Protection did not object and that the police had agreed with the applicant an additional condition to be added to the proposed variation to the licence.
 - (iv) Whilst the Sub-Committee acknowledged the concerns expressed by the residents, it was satisfied with the responsible attitude of the Applicant and felt that the additional condition offered by the Applicant was appropriate and proportionate to deal with the relevant concerns raised by the proposed variation. The Sub-Committee did not find any evidence to justify a refusal of the variation application and it was felt that further conditions would not be necessary in order to promote the licensing objectives on the basis of the evidence before the Sub-Committee.
 - (v) It was noted that the Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant or variation of a premises licence, a Responsible Authority or 'other persons', such as a local resident, to ask the Licensing Authority to review the licence if they consider that one or more of the licensing objectives are being

undermined, therefore allaying the concerns of the local residents.

Cllr R Melly, Chair

[The meeting started at 10.15 am and finished at 11.05 am].



Licensing Act 2003 Sub Committee**25 August 2022**

Report of the Director of Environment, Transport & Planning

Section 35(3) (a) Application for variation of a premises licence for the Old Grey Mare, Clifton Green, York, YO30 6LH**Summary**

1. This report seeks Members' determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 009044
3. Name of applicant: The Old Grey Mare Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises currently trades primarily as a public house with a premises licence granted on conversion of the Justices Licence in 2005. The variation seeks the following:

- a) Internal and external alterations to the plan which forms part of the premises licence to include a glass atrium to rear, pergola to the side, replacement of garage doors with windows and doors, remove internal walls, replace internal doors and new external French doors.
- b) Change the existing pool room/public bar into a shop/deli
- c) Extend the supply of alcohol hours from 8:00 every day, alcohol to be served ancillary to food between 8:00 and 10:00
- d) Attach a raft of new conditions to the licence by way of an updated operating schedule
- e) Remove conditions 1 to 3 from Annex 2 of the current licence.

Licensable Activity	Existing hours	New hours sought
Films – Indoors	0700 to Midnight	No change
Indoor Sport Live Music – Indoors & Outdoors Recorded Music – Indoors Other entertainment – Indoors	1000 to Midnight	No change
Late Night Refreshment – Indoors & Outdoors	2300 to 0015	No change
Supply of Alcohol – on & off the premises	1000 to Midnight	0800 to Midnight
Opening hours	0700 to 0030	No change

Background

6. A copy of the application can be found at **Annex 1**, including a plan of the premises.
7. A copy of the current licence and plan is attached at **Annex 2**, due to the size of the plan a photograph of the plan has been produced.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

Promotion of Licensing Objectives

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

General

- a. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- operation of the CCTV system (including the downloading of evidence);
- retail sale of alcohol;
- age verification policy;
- conditions attached to the Premises Licence;
- permitted licensable activities;
- the licensing objectives; and
- opening times for the venue.

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

- b. An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:
- all crimes reported to the venue
 - any complaints received regarding crime and disorder
 - any incidents of disorder
 - any faults in the CCTV system
 - any refusal of sale of alcohol
 - any visit by a relevant authority of emergency service
- c. The sale of alcohol between 08:00 and 10:00 daily, will be ancillary to food.

The prevention of crime and disorder

- d. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises.
- e. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
- f. The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.
- g. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This

should be complied with within 48 hours of the request being made.

- h. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
- i. The use of door staff will be risk assessed on an ongoing basis by the licence holder or designated premises supervisor. Where engaged, Door Supervisors shall be licensed by the Security Industry Authority.

The prevention of public nuisance

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

The protection of children from harm

- k. The premises shall operate the Challenge 25 policy for the sale of alcohol.
- l. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

Special Policy Consideration

- 10. This premises is not located within the cumulative impact assessment area.

Consultation

- 11. 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.

12. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

13. North Yorkshire Police met with the applicant prior to the submission of this variation and have agreed a modification to the operating schedule which can be seen at paragraph 9 above. Therefore North Yorkshire Police have not made any representations to this application.

Summary of Representations made by Other Parties

14. There have been 4 relevant representations received from other persons. The list of representors is attached at **Annex 4**.
15. The representations are predominantly based on the grounds of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm. They state that these objectives will be undermined if the application is granted.
16. A copy of the representations are attached at **Annex 5**.
17. A map showing the general area around the venue is attached at **Annex 6**.
18. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 7**. The Legislation and Policy considerations can be found at **Annex 8**.
19. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
20. Option 1: Modify the conditions of the licence
21. Option 2: Reject the whole or part of the application.
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Analysis

22. The following could be the result of any decision made this Sub Committee:-

23. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
24. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

Council Plan

25. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
26. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

27.

- **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

28. 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.
29. 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

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

Contact Details

Author:
Lesley Cooke
Licensing Manager

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

Tel No. 01904 551515

**Report
Approved**



Date
09/08/2022

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

Wards Affected: Clifton Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form and plan
- Annex 2** - Copy of current licence and plan (Photograph of plan due to size of document)
- Annex 3** - Overview of circumstances in which entertainment activities are not licensable
- Annex 4** - List of other persons - **CONFIDENTIAL**
- Annex 5** - Other persons representations
- Annex 6** - Map of area

Annex 7 - Mandatory Conditions

Annex 8 - Legislation & Policy

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 that 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 The Old Grey Mare LTD

(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 - 009044
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Old Grey Mare Clifton Green			
Post town	York	Postcode	YO30 6LH

Telephone number at premises (if any)	07539 020528
Non-domestic rateable value of premises	£22,100

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	

Current postal address if different from premises address		1 Galtres Grove	
Post town	York	Postcode	YO30 5RG

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1. Internal and external alterations to include glass atrium to rear, pergola to side, replacement of garage doors with windows and doors, remove internal walls, replacement of internal doors and new external new external French doors
2. Use of existing pool room/public bar room as a space as a shop/ deli
3. Extend supply of alcohol from 10:00 hours to 24:00 hours, alcohol served between these times will be ancillary to food

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) apply

Please tick all that

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					

B

Wed			<p><u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)</p>
Thur			
Fri			<p><u>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</u> (please read guidance note 7)</p>
Sat			
Sun			
<p>Indoor sporting events Standard days and timings (please read guidance note 8)</p>			<p><u>Please give further details</u> (please read guidance note 5)</p>
Day	Start	Finish	
Mon			
			<p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)</p>
Tue			
Wed			
Thur			<p><u>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</u> (please read guidance note 7)</p>
Fri			
Sat			
Sun			

C

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					

D

Wed			<p><u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)</p>	
Thur				
Fri				<p><u>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</u> (please read guidance note 7)</p>
Sat				
Sun				

Recorded music Standard days and timings (please read guidance note 8)			<p><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Tue					
Wed			<p><u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)</p>		
Thur					
Fri			<p><u>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</u> (please read guidance note 7)</p>		
Sat					
Sun					

E

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Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)					
<u>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</u> (please read guidance note 7)					
Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors <input type="checkbox"/>
Mon					Outdoors <input type="checkbox"/>
Tue					Both <input type="checkbox"/>
<u>Please give further details here</u> (please read guidance note 5)					

F

Wed			
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)
Fri			
Sat			<u>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</u> (please read guidance note 7)
Sun			

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	
Tue				
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)	
Thur				

G

Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)
Sat			
Sun			

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises <input type="checkbox"/>	
				Off the premises <input type="checkbox"/>	
Day	Start	Finish		Both <input type="checkbox"/>	
Mon	08:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	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 7)	
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	00:00			

K

H

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 10).

No adult entertainment will take place on the premises.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	<p style="text-align: center;"><u>AS EXISTING – NO CHANGE TO OPENING HOURS</u></p> <p style="text-align: center;"><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p>
Mon	07:00	00:30	
Tue	07:00	00:30	
Wed	07:00	00:30	
Thur	07:00	00:30	
Fri	07:00	00:30	
Sat	07:00	00:30	
Sun	07:00	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.

Annex 2, Conditions 1-3 to be removed - (with pre consultation and agreement of NYP Licensing)

Please tick as appropriate

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

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 not enclosed the premises licence or relevant part of premises licence.

Premises Licence attached

M 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 and e) (please read guidance note 11)

A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- *operation of the CCTV system (including the downloading of evidence);*
- *retail sale of alcohol;*
- *age verification policy;*
- *conditions attached to the Premises Licence;*
- *permitted licensable activities;*
- *the licensing objectives; and*
- *opening times for the venue.*

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

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

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

The sale of alcohol between 08:00 – 10:00 hours, daily will be ancillary to food.

b) The prevention of crime and disorder

A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises.

The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.

The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage

*North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 48 hours of the request being made.
It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.*

The use of door staff will be risk assessed on an ongoing basis by the licence holder or designated premises supervisor. Where, engaged, Door Supervisors shall be licensed by the Security Industry Authority.

c) Public safety

d) The prevention of public nuisance

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

e) The protection of children from harm

The premises shall operate the Challenge 25 policy for the sale of alcohol.

The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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.

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	06.06.2022
Capacity	

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 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

As above

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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.

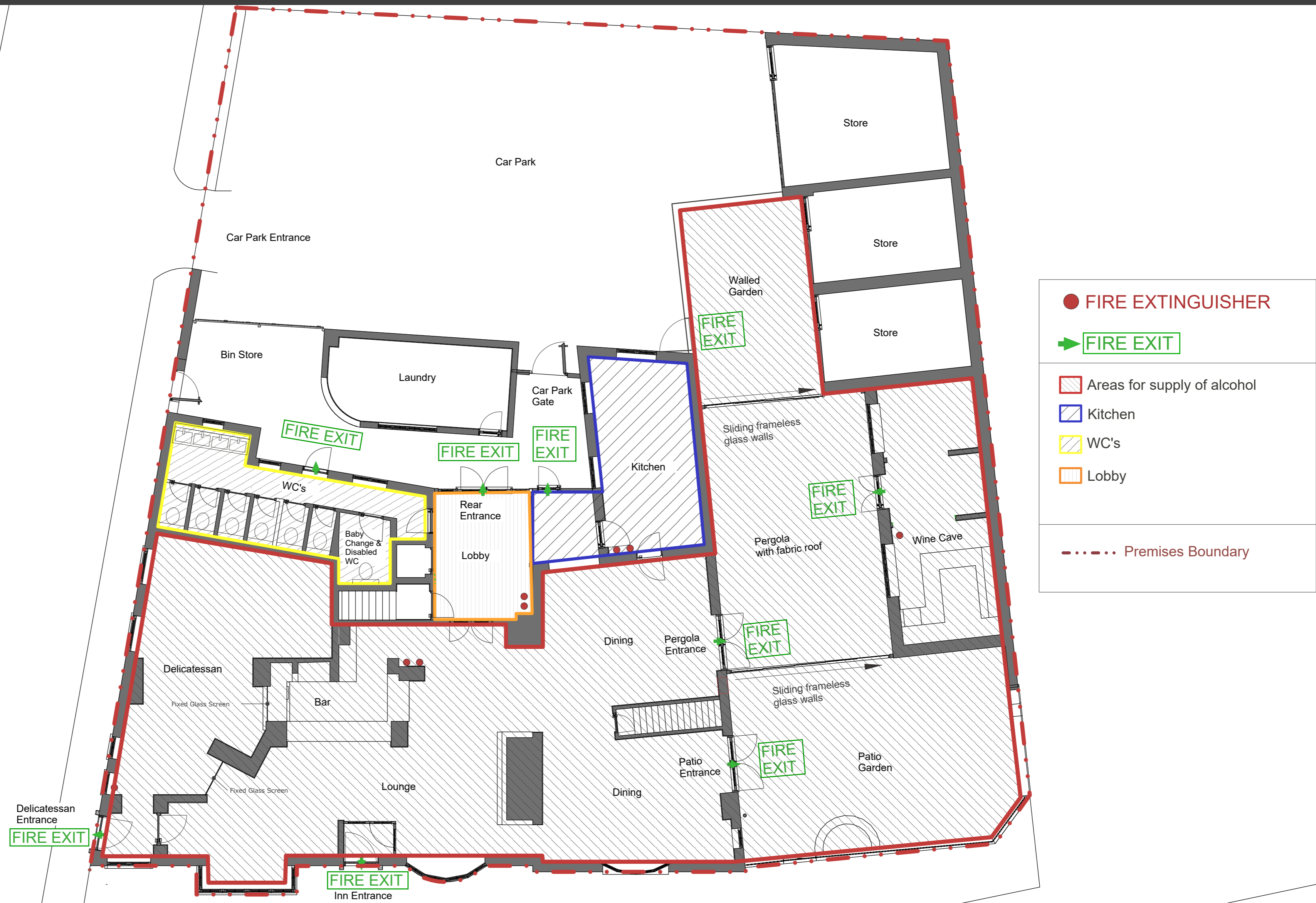
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing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

organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

The Old Grey Mare - Licensing Plans



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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009044

Postal address of premises:

**Old Grey Mare
Clifton Green**

Post town: **York**

Post code: **YO30 6LH**

Telephone number: 01904 654485

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Indoor sporting events
Live Music
Recorded Music
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

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

FILMS

Indoors

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

INDOOR SPORTING EVENTS

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

LIVE MUSIC
Indoors and Outdoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

RECORDED MUSIC
Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

ACTIVITIES LIKE MUSIC/DANCE
Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

LATE NIGHT REFRESHMENT
Indoors

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

SUPPLY OF ALCOHOL

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

Non Standard Timings for FILMS, INDOOR SPORTING EVENTS, LIVE MUSIC, RECORDED MUSIC, ACTIVITY LIKE MUSIC/DANCE, LATE NIGHT REFRESHMENT, and SUPPLY OF ALCOHOL

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 07:00 - 00:30	Tuesday 07:00 - 00:30	Wednesday 07:00 - 00:30	Thursday 07:00 - 00:30
Friday 07:00 - 00:30	Saturday 07:00 - 00:30	Sunday 07:00 - 00:30	

Non Standard Timings:

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

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

On and off the premises

Part 2

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

Name: The Old Grey Mare Ltd

Address: The Old Grey Mare
Clifton Green
York
YO30 6LH

Telephone number:

Email address: None

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

13144665

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

Name: Katarczyna Kinga Caulfield

Address:

[REDACTED ADDRESS]

Telephone number: None

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

City of York Council
CYC - 069840

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);

- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- a) a holographic mark, or
 - b) an ultraviolet feature.
7. The responsible person must ensure that –
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. still wine in a glass: 125ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$ where –
 - i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

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

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

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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

3. Where –

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

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Public Safety

1. Risk assessments are undertaken at the premises.

Public Nuisance

2. Notices are displayed at exits asking customers to leave the premises quietly.

Protection of Children from Harm

3. The restriction set out in the Licensing Act 2003 will apply.

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

No hearing held

4. With regards to late night refreshment, last orders for meals in the restaurant shall be at 22:30 hours, the supply of takeaways shall cease by 23:30 hours and the sale of coffee and hot drinks shall cease by 00:15 hours Monday to Sunday.

5. All external drinking areas shall be vacated, cleared and cleaned by 23:15 hours Monday to Sunday.

6. All alcohol sold for consumption off the premises shall be in sealed containers.

For and on behalf of
The Corporate Director of Place

Date: 31/08/2005
08/04/2022 (DPS variation)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 009044

Postal address of premises:

**Old Grey Mare
Clifton Green**

Post town: **York**

Post code: **YO30 6LH**

Telephone number: 01904 654485

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Indoor sporting events
Live Music
Recorded Music
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

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

FILMS

Indoors

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

INDOOR SPORTING EVENTS

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

LIVE MUSIC
Indoors and Outdoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

RECORDED MUSIC
Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

ACTIVITIES LIKE MUSIC/DANCE
Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

LATE NIGHT REFRESHMENT
Indoors

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

SUPPLY OF ALCOHOL

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	

Non Standard Timings for FILMS, INDOOR SPORTING EVENTS, LIVE MUSIC, RECORDED MUSIC, ACTIVITY LIKE MUSIC/DANCE, LATE NIGHT REFRESHMENT, and SUPPLY OF ALCOHOL

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 07:00 - 00:30	Tuesday 07:00 - 00:30	Wednesday 07:00 - 00:30	Thursday 07:00 - 00:30
Friday 07:00 - 00:30	Saturday 07:00 - 00:30	Sunday 07:00 - 00:30	

Non Standard Timings:

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

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

On and off the premises

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

Name: The Old Grey Mare Ltd
Address: The Old Grey Mare
Clifton Green
York
YO30 6LH

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

13144665

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

Katarczyna Kinga Caulfield

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

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).

For and on behalf of
The Corporate Director of Place

Date: 31/08/2005
08/04/2022 (DPS variation)

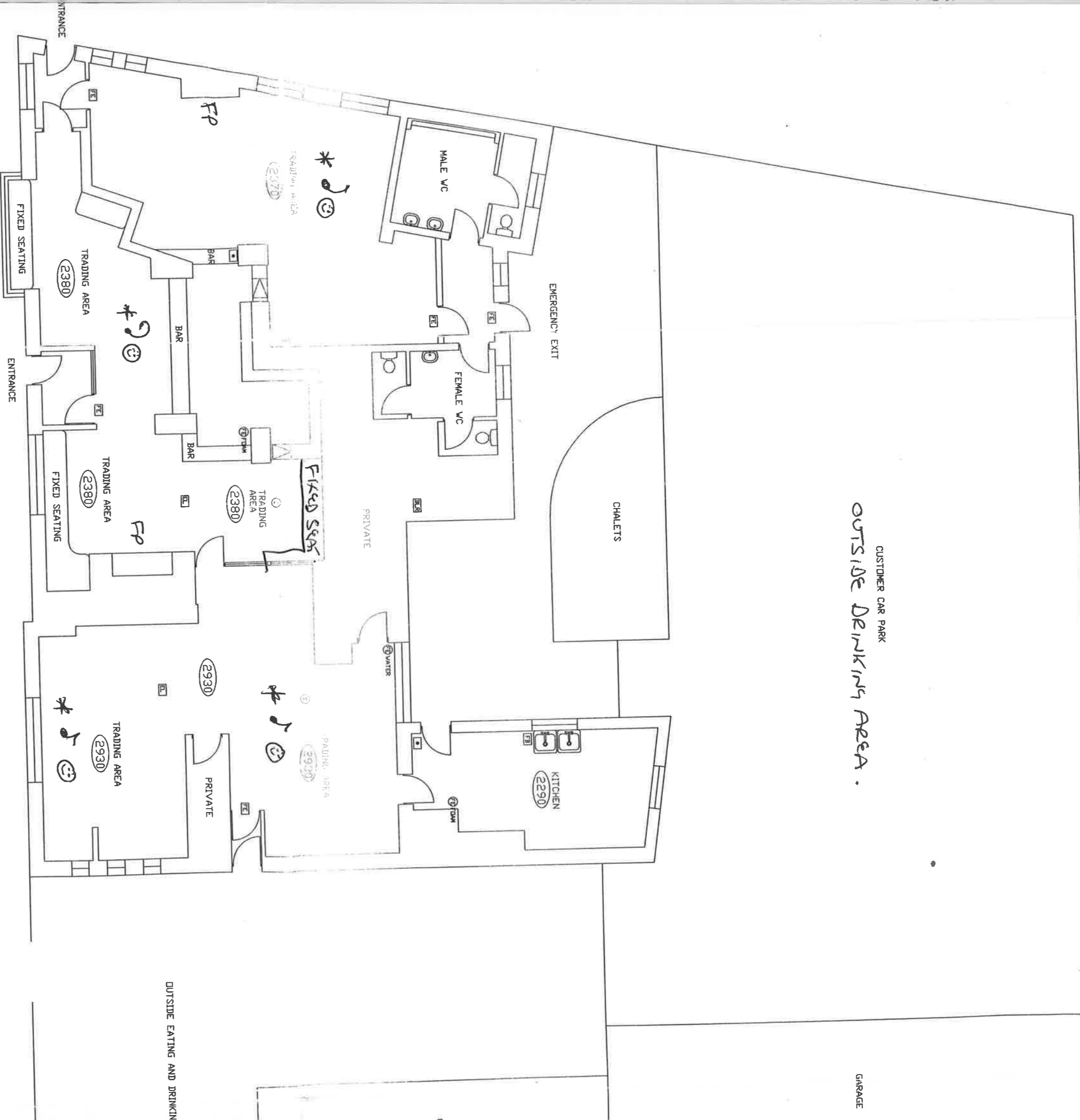
Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

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CUSTOMER CAR PARK
OUTSIDE DRINKING AREA.

GARAGE



GROUND FLOOR (SCALE 1:100)
























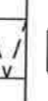
BUILDING SURVEYED AREA = 277 SQ. M

- ▣ LOCATED IN PRIVATE AREA NEXT TO WOMENS WC
- ▣ LOCATED IN CELLAR

SCHEDULE OF ADDITIONAL ACCOMMODATION:

- | | |
|------------------------------------|--------------------|
| 1: Number of storeys of building. | 3 storeys + cellar |
| 2: Staff accommodation. | 2 bedrooms |
| 3: Letting rooms with mini bar. | 0 rooms |
| 4: Letting rooms without mini bar. | 8 rooms |

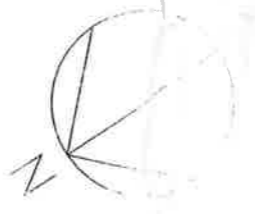
LEGEND

-  CEILING HEIGHT
-  WINDOW
-  FIRE PLACE
-  DOOR
-  TOILET
-  URINAL
-  URINAL
-  WASH HAND BASIN
-  BOILER
-  FIRE EXIT
-  EMERGENCY LIGHT
-  DISTRIBUTION BOARD
-  SMOKE DETECTOR
-  FIRE BLANKET
-  FIRE EXTINGUISHER
-  FIRE EXTINGUISHER
-  FIRE EXTINGUISHER
-  FIRE EXTINGUISHER
-  FIRE EXTINGUISHER
-  * SPRINKLER OUTLETS
-  FIRE ALARM CALL POINT
-  STEPS
-  SINK UNIT
-  BAR FLAP

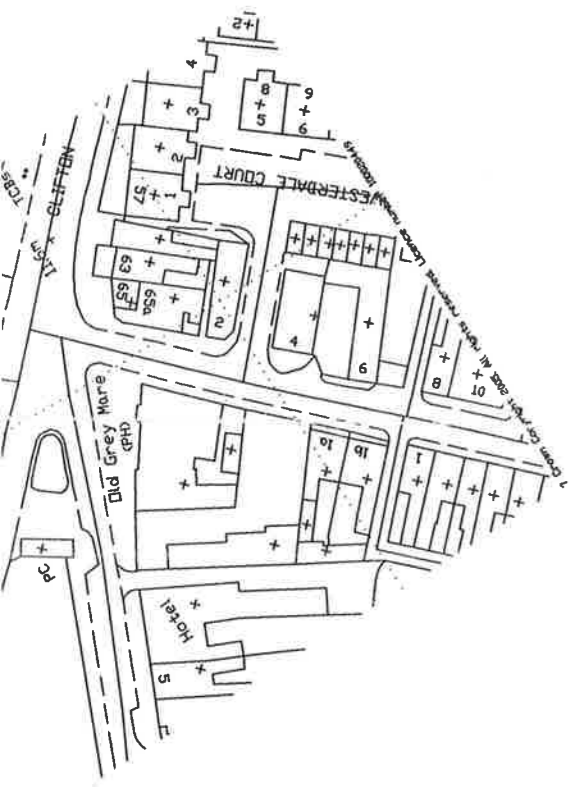
FP. Fire Place.

Key TO Licensed Area

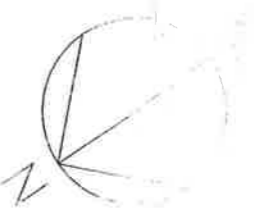
- * STAFF ONLY SURVEY OF ACCOMMODATION AND OFF
- ✓ REGULATED ENTERTAINMENT
- ☺ HOT FOOD AFTER 23.00.



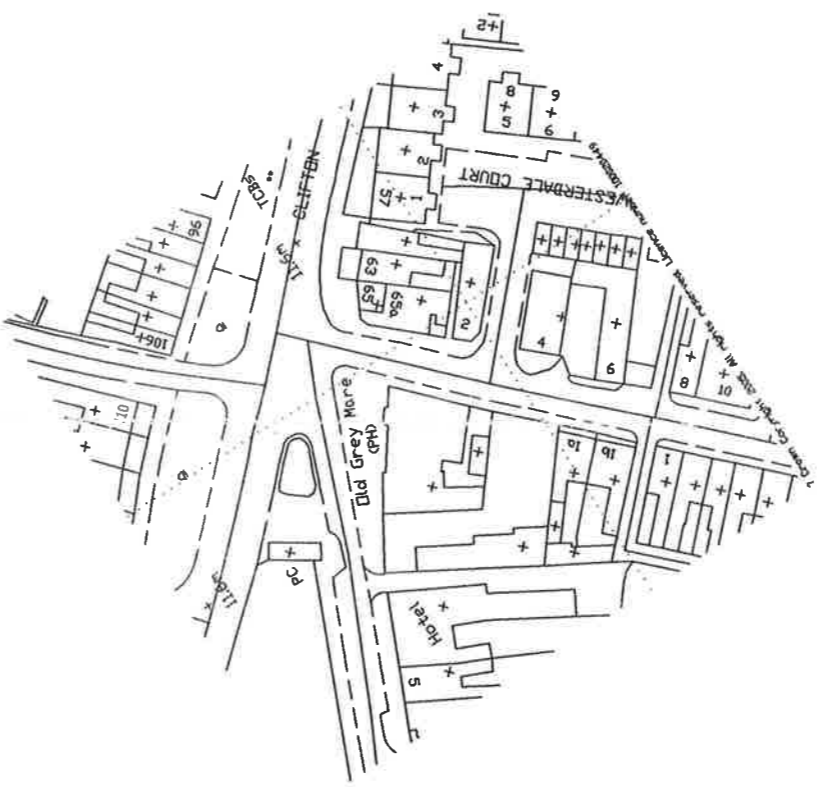
INDICATIVE ONLY
SCALE 1:1250



- * STATE SUPPLY OF ALCOHOL
- ✓ REGULATED ESTABLISHMENT
- ⊙ HOT FOOD AFTER 03.00.



INDICATIVE ONLY
SCALE 1:1250



ANNEX 4 - PLANS

Property ID No. 31833	Property Name. OLD GREY MARE	Property Address. CLIFTON GREEN, YORK, YO30 6LH	Survey Date 9TH MAY 200
--------------------------	------------------------------	--	----------------------------

OLD GREY MARE
-00901

REV. COMMENT.

LICENSING

Survey Date

9TH MAY 200

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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

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

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

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

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

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

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

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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

Document is Restricted

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From:
Sent: 29 June 2022 09:37
To: licensing@york.gov.uk
Subject: Re: Old Grey Mare increased licensing hours

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Thank you for your response. I'm sorry I didn't pick up that it was an extension to earlier opening in the morning. However, it still doesn't alter my general thinking around extending the alcohol licensing hours. I would still object for the same reasons as I wrote. Kind regards,

On Wed, 29 Jun 2022 at 09:licensing@york.gov.uk <licensing@york.gov.uk> wrote:
Dea,

Thank you for your representation which has been logged.

The variation application seeks to increase the sale of alcohol in the morning - they can currently sell alcohol from 10am, this application seeks to increase that to 8am. Can you confirm if this still affects your decision to object.

They are also applying to alter the plans due to the recent refurbishment.

I also attached a guidance note as to what will happen with your representation.

Kind regards

Helen Sefton | Senior Licensing Officer
t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection
Hazel Court Eco Depot, James Street, York, YO10 3DS
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-----Original Message-----

From
Sent: 28 June 2022 20:33
To: licensing@york.gov.uk
Subject: Old Grey Mare increased licensing hours

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

Dear Sir/Madam,

Could I express my concern and strong objection to the extension to alcohol licensing hours at the Old Grey Mare, Clifton Green, York?

I live doors away from the pub and needless to say I am not in favour of extending the hours alcohol can be served there.

I am new to the area and I'm not sure I would have bought my house if I'd have known about the newly refurbished pub and it's late night activities. This is our retirement home and not what I expected from a Conservation Zone.

My objections are that

- 1) the noise generated by patrons leaving the pub, later than now, will most definitely keep me awake as my bedroom is on the same road.
- 2) the noise generated by music from the pub presently isn't acceptable Believe me, as it is, I can hear the beat of music thudding when I'm in bed. Alcohol can make people even louder and aggressive so my thinking is more alcohol equals more noise more aggressive behaviour.
- 3) last night there was an incident where police were parked outside my house and the disturbance was irritating to me ... and the extension hasn't been implemented yet! I can only imagine this sort of negative activity would only increase with extended licensing hours.

I have no objection to the licensing hours staying as they are.

Kind regards,

Clifton Dale
Clifton Green
York
YO30 6LJ

Sent from my iPhone

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From:
Sent: 29 June 2022 12:35
To: licensing@york.gov.uk
Subject: FW: Old Grey Mare YO30 6LH

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: 29 June 2022 11:44
To:
Cc:
Subject: FW: Old Grey Mare YO30 6LH

From:
Sent: 29 June 2022 11:15
To: licensing@york.gov.uk
Subject: Old Grey Mare YO30 6LH

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

Re Application for variation of a premises licence.

We wish to make representations against this variation application.

We understand the request is to extend the hours for the supply of alcohol by bring forward the start time from 1000 to 0800, and reduce the Opening Hours (on/off sales) from 0700 to 0730. We also note the statement that 'alcohol served between these times will be ancillary to food'.

Our objection is to the proposal to serve alcohol from 0800 rather than 1000.

The Old Grey Mare, which has a large popular outdoor area, is situated in a family residential area of York on the foot route to several schools and pre school education facilities. It is also on the foot route into York used by many junior school parties visiting York and staying at the Youth Hostel. These young people pass directly in front of the Old Grey Mare. We consider it would be detrimental for these young, and in some cases very young, children to be exposed to adults imbibing alcohol at such early hours of the day. Whilst it would appear that alcohol would only be served with food, this would still be seen as such early drinking being considered acceptable and as such setting a very poor example.

For the reasons given above we would ask that this aspect of the variation be rejected, or at least if accepted a requirement be given that it MAY ONLY APPLY INDOORS, where it would be less obvious to passersby.

Admin Point

You may not be aware that yesterday (28/06/22) the published license of 2005, granted after the original application for outdoor music etc had been removed and a requirement included for the outdoor area to be cleared by 2315, was available on the website. However this morning there is no license for The Grey Mare posted on the site.

Clifton Dale
YORK

From:
Sent: 20 July 2022 12:47
To: licensing@york.gov.uk
Subject: Re Old Grey Mare licence variation application

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

Dear Licensing

I'm pleased to see that the applicant has now put more site notices in place to announce this licence variation, though the initial single notice plus the retrospective application for licence change do nothing but lead me to suspect that this applicant has been treating the process with disdain.

I object to the application to extend the hours for the supply of alcohol.

I have already submitted a complaint re the noise generated by the establishment. I can only imagine that extending the hours will extend the period of noise, and indeed the general busy-ness caused by cars parking on Compton Street and the adjacent streets.

I note also that the retrospective licence variation does not include expansion of the licence into the car park, yet the drinking/eating/performance/paddling-pool space has been extended into this space.

In the event that the licensee makes a retrospective application for this specific change, I'll register my opposition to this now.

Rgds

Compton Street

From:
Sent: 05 July 2022 21:47
To: licensing@york.gov.uk
Subject: Licensing variation at The Old Grey Mare

Categories:

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

Re: The Licensing variation at The Old Grey Mare, Clifton Green, York, YO30 6LH

Dear Sir/Madam,

Having lived e to the Old Grey Mare for 23 years, we have never had a noise issue with the pub until it recently reopened. The previous landlord kept any noise inside, which meant that we've been a quiet neighbourhood.

The extended outdoor space sends noise throughout the neighbourhood. Since the pub has reopened there have been:

- * Outdoor live music events which can be heard in every room in our house.
- * Music moved indoors but with the doors and windows opened so we can still hear it throughout the majority of our house.
- * A television mounted outside with the football on, so I could hear football commentary in my kitchen.
- * A pub quiz presumably piped to the outside as again I could hear the question master. On that particular night the outside guests were particularly noisy and the noise didn't stop until around 11:45.
- * A disco in the wine cave which sent bass thuds through the house.

There is music every weekend, so we cannot have our windows open if we want to try and keep the noise out, and even with them shut we can usually hear it inside. Sitting in the yard is like sitting in the pub outside area.

The owners have also extended their outside seating into the car park which brings noise even closer to our house. This also contributes to them not opening the car park causing even more parking problems on an already overcrowded street.

The licence available online specifies indoor music, however we have been told by the council that outdoor music is licensed. No notices went up to this effect, so we don't know when this happened, or why the licence online is not up to date.

Please consider noise restrictions on this application, to allow the neighbourhood to enjoy the peace it is used to.

Yours sincerely

Compton Street.

Sent from my iPad

(*additional)

(4)^A

From: [redacted]
Sent: 26 July 2022 18:38
To: licensing@york.gov.uk
Cc:
Subject: Old Grey Mare, "Application for a variation of a premises licence"
Attachments: OGM Original.jpeg

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

Hello,

I am writing to follow up on our email regarding the variation application for The Old Grey Mare, Clifton Green, in particular the following:

Internal and external alterations to include glass atrium to rear, pergola to side, replacement of garage doors with windows and doors, remove internal walls, replacement of internal doors and new external new external French doors.

We note that the owners have currently also extended the outdoor area a significant way into the old car park, thus bringing it closer to our property (Compton Street) with the subsequent increase in noise — not only from the music events, but also from the patrons. This extension of the outdoor area is **not** shown on the drawings accompanying the planning permission, otherwise we would have objected at the time.

The outdoor area was previously much further away from our house – as can be seen by examining the Google Maps images (attached) where the car park extended into the area now covered by the glass structure.

Although not relevant to this variation, we also note that the complaints about parking might be addressed if the car park was not covered with another (temporary) structure, building materials, and the aforementioned extension to the pub's outside area.

Kind regards,

Compton Street.

Annex 6 Map of area



Date: 20 Jul 2022

Author: City of York Council

Scale: 1:1,250



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

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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

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

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

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

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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Legislation and Policy Considerations

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

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