

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Galvin and Mason
Date: Monday, 17 October 2022
Time: 2.30 pm
Venue: Remote Meeting

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 Hearing held on 25 August 2022.

6. The Determination of a Section 18(3) (a) Application by T'Bridge Cafe Ltd. for a premises licence in respect of Fawkes & The Tiger, 32 Stonegate, York, YO1 8AS

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	25 August 2022
Present	Councillors D'Agorne, Melly and Orrell

19. Chair

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

20. Introductions

The Chair introduced the Sub-Committee Members, the Legal Adviser and the Democratic Services officer. The Senior Licensing Officer, Maria Caulfield and Mark Caulfield from The Old Grey Mare Ltd (the Applicant), the Applicant's solicitor and the Representors all introduced themselves.

21. 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.

22. 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.

23. Minutes

Resolved: That the minutes of the Licensing Hearings held on 11 July 2022 and 21 July 2022 be approved as a correct record in each case, to be signed by the Chair at a later date.

24. 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)

Members considered an application by Old Grey Mare Ltd. for variation of a premises licence in respect of The Old Grey Mare, Clifton Green, York YO30 6LH.

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 objective, including:

1. The application form.
2. The papers before it, including the additional papers published in the Agenda Supplement, and the written representations.
3. The Senior Licensing Officer's report, and her comments at the Hearing.

The Senior Licensing Officer outlined the report and the annexes, noting that the premises were not in the Special Policy Area and confirming that the Applicant had carried out the consultation process correctly. She drew attention to the additional conditions agreed with the Police, as set out in paragraph 9 of the report, and noted that there had been no representations from Responsible Authorities. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to questions from the Representors, the Senior Licensing Officer confirmed that:

- The existing plan at Annex 2 (*page 65*) had not been altered since its submission with the original application in 2005.
- Areas licensed for the sale/supply of alcohol were marked with an asterisk on that plan; because consumption of alcohol was not a licensable activity, alcohol supplied in those areas could be consumed elsewhere on the premises.
- The outside areas shown on the plan were not licensed for regulated entertainment.
- The note at Annex 3 explained the government deregulation in 2012 of entertainment in certain circumstances.
- Noise conditions could be added to the licence but it was difficult to condition entertainments between 8 am and 11 pm due to the deregulation.
- Live TV did not require a licence.

In response to questions from Panel Members, she confirmed that:

- The pergola shown on the new plan at Annex 1 (*page 51*), having 2 brick walls, 2 glass walls and a canvas roof, would be considered 'substantially enclosed' under the definitions used for smoking areas, and thus arguably an indoor area.
- Both the current licence and the application included off-sales.
[The Solicitor for the Applicant clarified at this point that off-sales were not required for the extended hours of 8:00 am–10:00 am, and that the application could be modified to reflect that.]
- There was no requirement for the licensable area to be outlined in red on a plan; the existing plan showed the car park to be part of the premises, and alcohol sold indoors and consumed in the car park would not constitute 'off sales'.

4. The representations made by James Staton, Solicitor for The Old Grey Mare Ltd. (the Applicant).

Mr Staton stated that the Old Grey Mare had been a pub for over 200 years. He referred to the case summary and the bundle of photographs published in the Agenda Supplement, noting that the photographs numbered 2-8 showed the outdoor and indoor drinking areas as they

used to look. This retrospective application sought to re-order the interior and extend the licence to the pergola area adjacent to the former patio garden. He confirmed that the pergola had a retractable canvas roof, 2 brick walls and 2 glass walls. Next to it was the 'wine cave' - formerly 2 bedrooms in an old outhouse, which had been converted to a small bar – and the walled garden. Indoors, the old pool room and bar was now a delicatessen selling a limited range of wine and craft beers in sealed containers. There was no access to the main part of the premises when it was closed. Photo 9 in the bundle showed the refurbished bar area, with the same location for service of alcohol as in photo 4. Photo 11 showed the refurbished dining area, and photo 12 the pergola, leading on to the 'walled garden' with its artificial hedge.

Regarding the plans, Mr Staton confirmed that the position had been helpfully clarified by the Senior Licensing Officer in response to the Representors' questions. It was not intended for the car park to be a drinking area, and he was surprised to see it marked as such on the existing plan. The area for the supply and consumption of alcohol was shown bordered in red on the plan (*at page 51*) and the walled garden was not an extension of this licensed area. He said the application proposed to reduce the area in which people could drink alcohol, by excluding the car park and including only the locations marked on the plan. Wholesale drinking outside was not the intention, as explained in the case summary. The walled garden was surrounded by a wall and a 'mock hedge', which it was hoped would reduce noise emissions. The wine cave was intended more for private parties and its use would probably be limited to Fridays and Saturdays. Regarding the extended hours, he confirmed that, although the box for off-sales had been ticked on the application form, there was no intention to provide off-sales between 8 am and 10 am, and a condition had been agreed with the police that service of alcohol between these times must be ancillary to food.

Turning to the representations made in respect of noise and the playing of music outdoors, Mr Staton referred to Annex 3 to the report, noting the deregulation of live and recorded music played between 8 am and 11 pm to an

audience of less than 500 people. He acknowledged that there had been an incident when a band played louder than anticipated; it was not intended to repeat this. However, the issue of music was not within the Panel's remit. He said the Applicant was confident that the roof and walls of the pergola would help to deaden sound, and the licence included a condition to vacate, clear and clean all external drinking areas by 23:15 hours. No representations had been received from Responsible Authorities.

In conclusion, Mr Staton said that all necessary Planning and Listed Building consents had been obtained but that the Applicant had not realised that a Licensing application was also required. A considerable sum had been spent on refurbishing the premises to a higher standard than before; the delicatessen was an enhancement to the community, and a significant number of jobs had been created.

In response to a question from the Panel, Mr Staton confirmed that the Applicant did not seek to extend the existing hours for off-sales.

5. The representations made by Mike Charlton, a local resident.

Mr Charlton expressed surprise that the car park was classed as a drinking area and that the pergola was considered an indoor area. He said he was glad to see the pub re-open, that the workmen had done a good job on updating the premises, and that it seemed a good opportunity to create a more sustainable business. However, the premises had operated as a quiet local pub for many years with minimal friction, and since it re-opened this had not been the case. Because this was a retrospective application there had been a chance to see how the changes worked. He added that there had not been clear and open communication with residents about the application. A single notice had been posted on an internal door, and residents had not been contacted until the Licensing authority became involved.

Mr Charlton went on to say that several noise events had occurred since the re-opening, including a 'riotous and un-

managed' christening party, and a band. These events had taken place 4 metres from his property, and although he was not at home at the time other local residents had been disturbed, indicating the impact of the changes on the lives of people in the locality. Two further incidents had taken place when he had been at home. On 3 August there had been a lot of noise from the premises and 'cavorting' in the pergola. He had been in bed by 11:40 pm with the windows closed. Having telephoned and received no response, he had gone round to find the pub locked, and people on the patio drinking and making a noise, with no attempt being made to moderate this. The bar manager had told him the pub was shut and either did not know of the disturbance being caused or did not care. On 20 August there had been noise until 12:40 am, apparently from a televised boxing match being shown in the pergola for which the pub had a special licence. This had prevented him from sleeping and caused disturbance, which it would not have done had it been shown indoors with the windows shut. Of greater concern was the ongoing noise from people 'carousing' 4m from his property. There was shouting and screeching, and he could not sit out in his garden. The hedge around the walled garden did nothing to absorb the noise. It was very difficult living next door to the premises with the noise at its current level - he felt uncomfortable in his home, had to complain repeatedly, and the pub management seemed unable or unwilling to contain the noise. The walled garden had brought drinkers much closer to his property and was occupied by 3 long benches, accommodating up to 30 people. It had been used as a band stage and for a hot tub and paddling pool.

In conclusion, Mr Charlton said he wanted to see the walled garden closed off, no sports broadcasts or music outdoors, the pergola not deemed to be indoors, and for the licensee / management to think ahead. He said that extending the morning drinking hours could result in going from prosecco with breakfast to beer with the World Cup, and that the Applicant seemed to be trying to create a city centre pub in a residential area. He urged the Panel to support local residents at a difficult time.

In response to a question from the Applicant's Solicitor, Mr Charlton said he did not accept that the Applicant's

proposal reduced the extent of the drinking area shown in the 2005 plan, because the pergola did not contain the noise as the main building did, yet it was classed as an indoor area.

In response to questions from the Panel, he said that:

- Restricting the service of alcohol between 8 am and 10 am to indoor areas would not help unless 'indoors' meant only the main building, as serving alcohol in the pergola would be as bad as serving it outdoors.
- A condition to vacate, clear and clean the pergola by 23:15 hours would not address the issue of serving alcohol there between the hours of 8 am and 10 am.

6. The representations made by Bronwen Tuffen, a local resident.

Mrs Tuffen said she had lived next door to the pub for 23 years and had never had any cause to complain or raised objections about it. She said her main objection now related to the outside area. The operators were dictating what she listened to in her own home, and that should be taken into account in the decision. Bringing the music indoors made a difference, because the main building was well-insulated when the windows and doors were closed. It was the pergola and wine cave that were the problem. The pergola had glass walls only partway up, and its doors leading to the walled area were left open. If the doors were shut and the glass extended to the top, that might help. The noise funnelled up through her garden and all the way down Compton Street. The pergola area was a massive noise problem; for example, on 2 and 5 August she could hear the bass over the television in her front room. When the pub was busy, she couldn't go to bed until closing time. When the wine cave was hired out for a christening party along with the pergola, the noise had been so loud that her husband could not have his own music on in the loft of their house. When she went to the pub to complain she had been told that the noise was *'not under our control – we have hired it out'*. The wine cave was not as well soundproofed as the main building; in fact the noise in the pub when she went in was less than in her home. The noise was making life incredibly stressful. The council's guide to pubs in relation to this issue stated that

the noise at the boundary should be 'negligible'. The pergola was already causing big problems and the wine cave would cause a bigger problem – for example, when there was a disco in the wine cave it had 'boomed' throughout her house. No attempt had been made to consider the neighbours. There had been no contact with neighbours, and the only phone number for the pub was a mobile number that was never answered. When she went in the owners had been away; they had emailed 4 days later.

In conclusion, Mrs Tuffen said that she wanted the pub to succeed, but also wanted the Applicant to think about their new outdoor areas. Imposing noise restrictions on these, if that were possible, might help. It would also help if the outdoor areas were cleared by 11:15 pm, though this was not ideal. She just wanted to spend time in her own home without being dictated to by the pub, and the licensing of the outdoor areas was key to this. Referring to a point made in the representations, she also noted that people walking past the pergola could see inside it due to the glass walls.

In response to questions from the Applicant's Solicitor, Mrs Tuffen stated that:

- Previously, outdoor drinking had only taken place in the patio area. The addition of the walled garden and pergola had brought the drinking area 10m closer to neighbours and increased the number of people drinking outside.
- The application had 'brought in' (reduced) the drinking area in a legal sense, but not in terms of the lived experience.

In response to questions from the Panel, she stated that:

- The extension of the operating hours to 8-10 am would not be an issue if restricted to the main building.
- In terms of the impact of the extended hours, people drinking at that time in the morning were in party mood, and alcohol always increased the level of noise.
- Adding a condition requiring the pergola to be closed by 11:15pm would be better than nothing, as at least she would now know when the noise would stop.

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

Mr Charlton summed up, saying that the biggest issue for him was the classing of the pergola as an indoor rather than an outdoor space, and that it would cause many problems if the activities taking place in there could not be controlled.

Mrs Tuffen summed up, saying she had nothing further to add but just wanted the Panel to take into account the noise likely to be generated from the wine cave and the pergola.

Mr Staton summed up, saying that in terms of the extended hours the Applicant only wanted to serve alcohol, with food, indoors and in the pergola, with no off-sales. There was already provision in the licence that the outdoor areas be closed and cleared by 23:15 hours. The Applicant had listened to the representations and was prepared to agree that the pergola and wine cave likewise be closed and cleared by 23:15. The Applicant did not want to make enemies in the locality. Most of the representations were irrelevant to the application, and the issues relating to music were not within the Panel's remit and should not be taken into account. He asked the Panel to grant the variation subject to the amendments to the conditions as mentioned – that is, restricting the sale of alcohol between 8 and 10 am to the main building and the pergola, and requiring the pergola and wine cave to be closed and cleared by 11:15 pm.

The following points of clarification were made by Mr Staton at the request of the Senior Licensing Officer and the Panel:

- The delicatessen opened at 8 am, but no alcohol was sold there until 10 am. It was not proposed to alter this.
- No additional conditions were proposed in relation to the service of alcohol in the pergola between 8 and 10 am; just that this be ancillary to food. However, it was planned to fit the pergola with soundproofed double glazing next year.

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:

1. The 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 wall, replace internal doors and new external French doors, as shown on the plan submitted with the application, are approved.
2. The existing pool room/public bar is changed into a shop/deli.
3. The supply of alcohol on the premises is extended to the hours of 08:00 to midnight every day.
4. Notwithstanding condition 3 above alcohol shall be served only ancillary to food between the hours 08:00 and 10:00 every day.
5. Condition 5 in Annex 3 to the current licence shall be amended as follows:

The areas shown on the plan submitted with the application marked 'Walled Garden', 'Pergola with fabric roof', 'Wine Cave' and 'Patio Garden' shall be closed and cleared of customers from 23:15 until 10:00 hours Monday to Sunday.

The external drinking area marked 'Car Park' shown on the plan submitted with the application shall be vacated, cleared and cleaned by 23:15 hours Monday to Sunday.

6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity of the premises.
7. The conditions offered in the updated operating schedule are added to the licence.
8. Conditions 1 to 3 in Annex 2 to the current licence are removed.

For the avoidance of doubt, condition 5 in Annex 3 to the existing licence is varied as set out in conditions 5 and 6 as above. Save as varied above, 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 variations as applied for and that as the premises already had a licence to sell alcohol, it was only the impact of the variations to the existing 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 particular regard to noise disturbance issues due to the proximity of the outside and pergola areas of the premises to their homes.
 - (iii) The Sub-Committee also considered the representations made by the Applicant about concerns raised. It was also noted that the Police had agreed with the applicant modifications to the operating schedule prior to submission of this application and that Public Protection did not object to the proposed variations to the licence.

(iv) The Sub-Committee noted that because this application was retrospective and the internal and external alterations to the premises have been in place and used by patrons, there is evidence from residents of the actual impact of the changes that have been made on the prevention of public nuisance licensing objective. The Sub-Committee found that there was evidence that the alterations that have been made to the outside and pergola drinking areas have led to disturbance and noise nuisance to local residents, particularly late at night, which was disrupting the use of their homes and adversely impacting their quality of life.

(v) In relation to the alterations to the outside and pergola drinking areas, it was therefore felt that on the basis of the evidence before the Sub-Committee that amended conditions would be necessary in order to promote the licensing objectives. The additional and modified conditions imposed by the Sub-committee to restrict the use of the outside and pergola drinking areas as altered would reduce the noise emanating from the premises and would promote the licensing objectives regarding the prevention of public nuisance.

(vi) Whilst many of the concerns raised by residents about the operation of the premises licence were outside the scope of this variation application, 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.

Cllr R Melly, Chair

[The meeting started at 10.05 am and finished at 12.15 pm].



Licensing Act 2003 Sub Committee

17 October 2022

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Fawkes & The Tiger, 32 Stonegate Street, York, YO1 8AS

Summary

1. This report seeks Members' determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 071301
3. Name of applicant: T'Bridge Cafe Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at 32 Stonegate Street, York, YO1 8AS

Proposed Activity	Timings
Late night refreshment - indoors	2300 to 0000 everyday
Supply of alcohol – On the premises	0800 to 0000 everyday
Opening hours	0800 to 0030 everyday
Non Standard timings	New Year's Eve until the start of trade the following day

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.

7. The premises is described in the application as a bar with a food offer.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.
9. The applicant determined to remove recorded music from the application following negotiations with the Public Protection Officer.

Promotion of Licensing Objectives

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

11. General

- a. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
 - retail sale of alcohol
 - age verification policy
 - conditions attached to the premises licence
 - permitted licensable activities
 - the licensing objectives
 - 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 entry in the log book and runs from the date of the particular entry.)

12. The Prevention of Crime and Disorder

- a. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 3 hours before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 3 hours before the end of permitted hours for the sale of alcohol on any given day.
- b. On days when race meetings are held at York Racecourse (save for the family meeting held in September and the first meeting in May) a minimum of 2 door supervisors shall be provided at the premises from 19:00 hours to the close of business. At all other times the need for SIA licensed door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and / or the Premises Licence

Holder. When employed, door staff will wear high visibility arm bands.

- c. A minimum of 210 seats will be available for customers.
- d. Customers shall not be permitted to take drinks outside the premises or away from any external areas licensed by way of tables and chairs permission, with the exception of sealed off-sales.
- e. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- f. The CCTV equipment shall have constant time /date generation which must be checked on a daily basis for accuracy.
- g. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises and entrances / exits and outside designated smoking areas (excluding toilets).
- h. The CCTV system recordings must be kept for a minimum of 28 days.
- i. 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 24 hours of the request being made.
- j. 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.
- k. All CCTV recordings will have sufficient clarity / quality / definition to allow facial recognition.
- l. Where door supervisors are on duty they shall sign in and out of the premises logbook, providing full details of their name and SIA number.
- m. The premises shall possess and use the local nighttime economy radio system (where this system is in operation). The radio shall be turned on and used by staff at the premises at all times the venue is open for licensable activities.

- n. A refusal register / incident report record shall be maintained for the premises. Such registers, electronic or otherwise stored, will record incidents of staff refusals of underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such registers shall be kept for a minimum of one year. (For the avoidance of doubt the one-year period relates to each entry in the log book and runs from the date of the particular entry.)
- o. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

13. Public Safety

- a. Appropriate fire safety measures will be installed and maintained as shown on the plans reference JG/YO/450/01 July 2018.
- b. Staff will be trained in first aid.
- c. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.
- d. Public areas will be maintained free from obstruction and trip hazards.
- e. All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
- f. No more than 250 persons to be within the whole of the licensed area at any one time.

14. The Prevention of Public Nuisance

- a. All doors and windows shall be closed between 23:00 hours and 08:00 hours each day other than for ingress and egress.
- b. Signs shall be displayed near the exits reminding customers to respect the needs of those living nearby and to leave the premises as quietly as possible.
- c. All highway and public spaces in the vicinity of the premises will be kept free from litter to the satisfaction of the council.

- d. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

15. The Protection of Children from Harm

- a. The venue shall operate a Challenge 21 age verification policy and display posters confirming such in prominent locations throughout the venue.

Special Policy Consideration

- 16. This premises is located within the cumulative impact assessment area which was approved by full council in March 2022. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4.

Consultation

- 17. 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.
- 18. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

- 19. North Yorkshire Police have made representation on the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm. A copy of the police representation is at Annex 5.

Summary of Representations made by Other Parties

- 20. There have been no relevant representations received from other persons.
- 21. A map showing the general area around the venue is attached at Annex 6.

22. 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.

Options

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

Analysis

29. The following could be the result of any decision made this Sub Committee: -
30. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
31. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
32. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 4: This decision could be appealed at Magistrates Court by the applicant.
34. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

35. 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.
36. 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

37.

- **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

38. 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.

39. 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

40. 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
26.09.2022

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form & Plan
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Cumulative Impact
- Annex 4** - Licensing Policy Annex
- Annex 5** - Police Representation
- Annex 7** - Map
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure 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 T'Bridge Cafe Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Fawkes & The Tiger 32 Stonegate Street			
Post town	York	Postcode	YO1 8AS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£89,500 – Band D

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name T'Bridge Cafe Ltd
Address Home Farm Melbourne York YO42 4SX
Registered number (where applicable) 11443446
Description of applicant (for example, partnership, company, unincorporated association etc.) Company

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

DD	MM	YYYY

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 Bar with a food offer. Fawkes & The Tiger is a joint venture between the operators of the York Tap and Pavement Vaults and the award-winning Thornbridge Brewery. Together they are the joint operators of the Market Tap, York. The applicants are very experienced operators in the area and their premises do not undermine the licensing objectives.

Full planning permission has been granted (Application Ref No: 21/02421/FUL)

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

NA

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Tue					
			<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 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4) Amplified and unamplified music played within the premises.		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
			<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 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4) Recorded music played within the premises.		
	08.00	00:00			
Tue					
	08.00	00:00			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
	08.00	00:00			
Thur					
	08.00	00:00			
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) New Year's Eve until start of trade the following day		
	08.00	00:00			
Sat					
	08.00	00:00			
Sun					
	08.00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Tue					
			<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 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><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 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23.00	00:00			
Tue	23.00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23.00	00:00			
Thur	23.00	00:00	<u>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</u> (please read guidance note 6) New Year's Eve until start of trade the following day		
Fri	23.00	00:00			
Sat	23.00	00:00			
Sun	23.00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08.00	00:00			
Tue	08.00	00:00			
Wed	08.00	00:00			
Thur	08.00	00:00			
Fri	08.00	00:00			
Sat	08.00	00:00			
Sun	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 6) New Year's Eve until start of trade the following day		
Thur	08.00	00:00			
Fri	08.00	00:00			
Sat	08.00	00:00			
Sun	08.00	00:00			
Mon	08.00	00:00			
Tue	08.00	00:00			

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

Name James Andrew Hawksworth	
Date of birth :	
Address York	
Postcode	
Personal licence number (if known) ERYC/059353	
Issuing licensing authority (if known) East Riding of Yorkshire Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<p><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 6) New Year's Eve until start of trade the following day</p>
	08.00	00:30	
Tue			
	08.00	00:30	
Wed			
	08.00	00:30	
Thur			
	08.00	00:30	
Fri			
	08.00	00:30	
Sat			
	08.00	00:30	
Sun			
	08.00	00:30	

M

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

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

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

- retail sale of alcohol;
- age verification policy;
- conditions attached to the premises licence;
- permitted licensable activities;
- the licensing objectives;
- 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 entry in the log book and runs from the date of the particular entry.)

b) The prevention of crime and disorder

2. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 3 hours before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 3 hours before the end of permitted hours for the sale of alcohol on any given day.

3. On days when race meetings are held at York Racecourse (save for the family meeting held in September and the first meeting in May) a minimum of 2 door supervisors shall be provided at the premises from 19:00 hours to the close of business. At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and / or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands.

4. A minimum of 210 seats will be available for customers.

5. Customers shall not be permitted to take drinks outside the premises or away from any external areas licensed by way of tables and chairs permission, with the exception of sealed off-sales.

6. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.

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

8. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises and entrances / exits and outside designated smoking areas (excluding toilets).

9. The CCTV system recordings must be kept for a minimum of 28 days.

10. 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 24 hours of the request being made.

11. 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.

12. All CCTV recordings will have sufficient clarity / quality / definition to allow facial recognition.

13. Where door supervisors are on duty they shall sign in and out of the premises log book, providing full details of their name and SIA number.

14. The premises shall possess and use the local night time economy radio system (where this system is in operation). The radio shall be turned on and used by staff at the premises at all times the venue is open for licensable activities.

15. A refusal register / incident report record shall be maintained for the premises. Such registers, electronic or otherwise stored, will record incidents of staff refusals of underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such registers shall be kept for a minimum of one year. (For the avoidance of doubt the one year period relates to each entry in the log book and runs from the date of the particular entry.)
16. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

c) Public safety

17. Appropriate fire safety measures will be installed and maintained as shown on the plans reference JG/YO/450/01 July 2018.
18. Staff will be trained in first aid.
19. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.
20. Public areas will be maintained free from obstruction and trip hazards.
21. All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
22. No more than 250 persons to be within the whole of the licensed area at any one time.

d) The prevention of public nuisance

23. All doors and windows shall be closed between 23:00 hours and 08:00 hours each day other than for ingress and egress
24. Signs shall be displayed near the exits reminding customers to respect the needs of those living nearby and to leave the premises as quietly as possible.
25. All highway and public spaces in the vicinity of the premises will be kept free from litter to the satisfaction of the council.
26. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

e) The protection of children from harm

27. The venue shall operate a Challenge 21 age verification policy and display posters confirming such in prominent locations throughout the venue.

Checklist:

Please tick to indicate agreement

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

- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	24 August 2022
Capacity	Solicitor to applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Piers Warne TLT Solicitors One Redcliff Street			
Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be

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;

certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

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

Home Office online right to work checking service

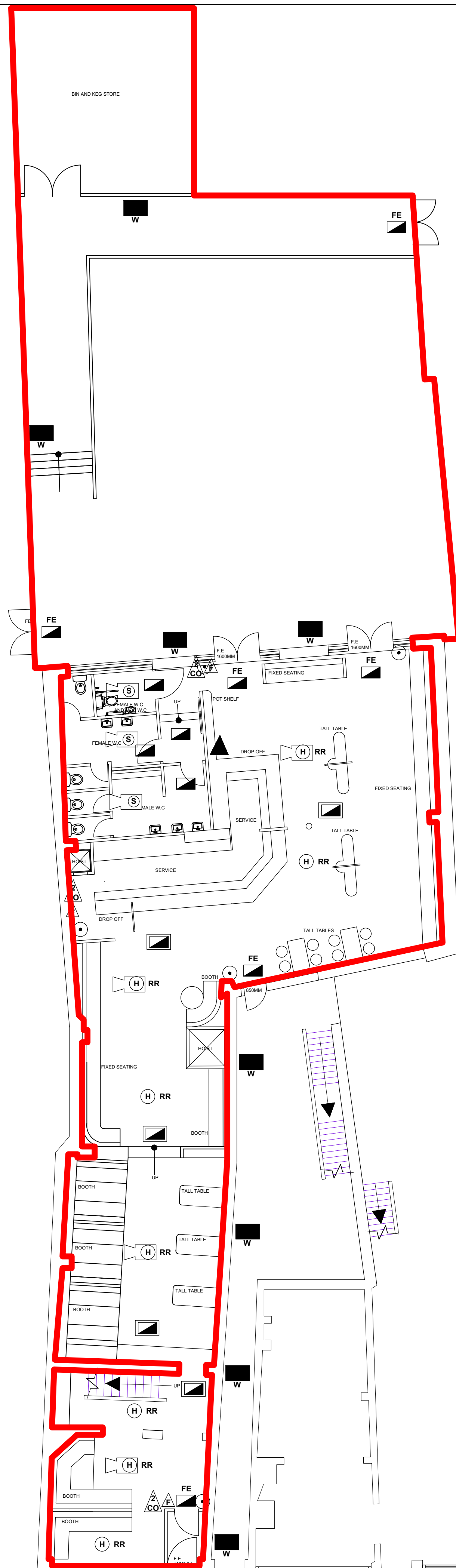
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

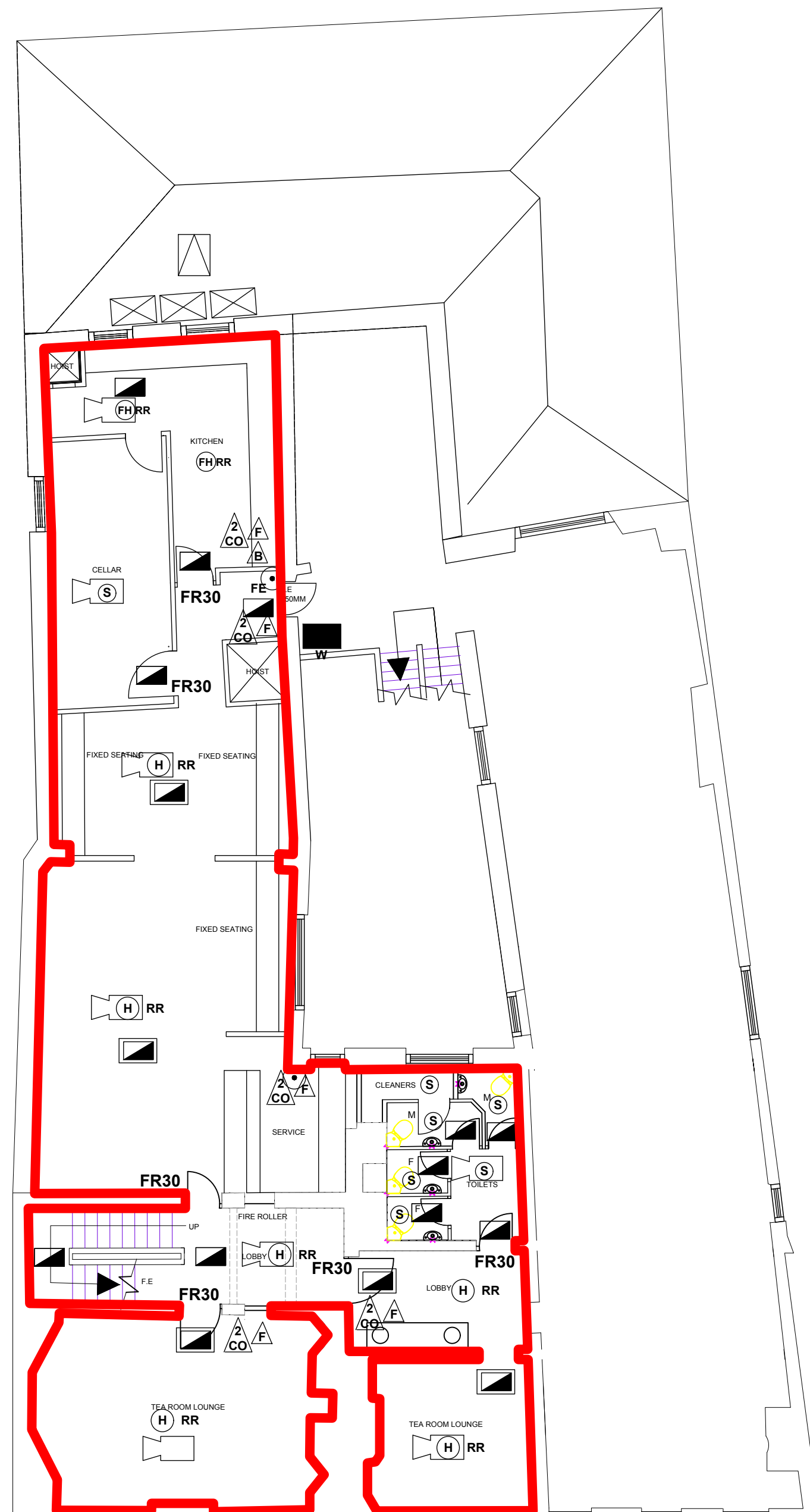
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

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

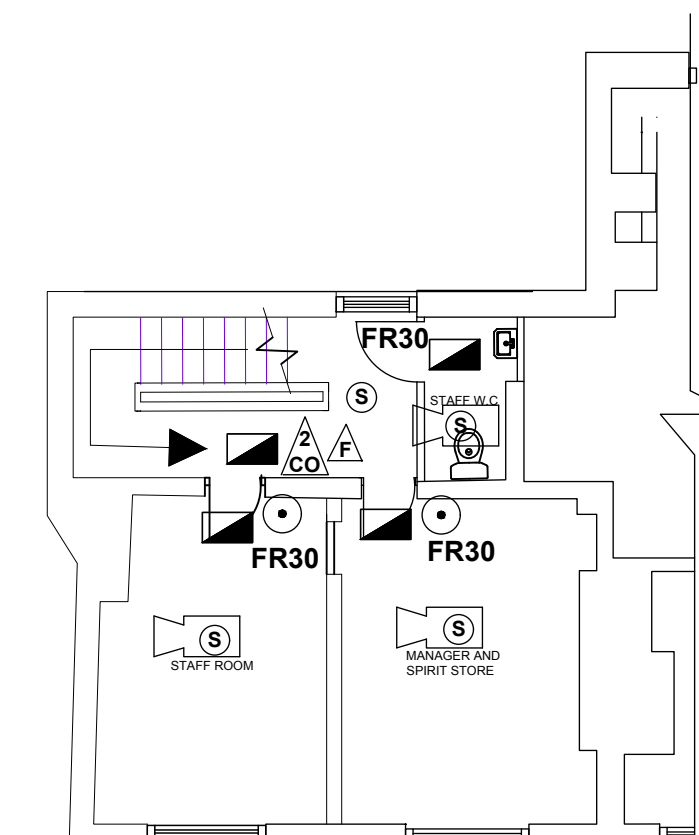




PROPOSED PLAN LAYOUT GROUND FLOOR
SCALE 1:100



PROPOSED PLAN LAYOUT FIRST FLOOR
SCALE 1:100



PROPOSED PLAN LAYOUT SECOND FLOOR
SCALE 1:100

PLEASE NOTE -

FLASHING BEACON LOCATED ON WALL OUTSIDE OF MOBILITY W.C TO FULLY COMPLY WITH PART M OF BUILDING REGS

AUTOMATIC DETECTION SYSTEM L1+M AND SOUNDERS THROUGHOUT CONTRACTOR TO ENSURE APPLIED TO ALL VOIDS AND INTERNALS OF BULK HEADS

REDLINE OUTLINE INDICATES AREAS OF LICENSED ACTIVITIES

Emergency Lighting: emergency lighting is in compliance with BS5266 Part 1, Category M2 and will provide maintained emergency lighting for 3 hours duration.

Fire alarm to be installed as an L1 system by proposed contractor

Fire Alarm: the proposed fire alarm will be in accordance with BS5839 Part 1 and BS9999 and installations will be LPC approved and undertaken by an LPC approved installer to LPS 1014.

LEGEND			
	8 WATT MAINTAINED LUMINAIRE	FR30	30 MIN PROTECTION FIRE DOOR TO FULLY COMPLY WITH B.S
	8 WATT MAINTAINED FIRE EXIT LUMINAIRE	(H) RR	HEAT RATE RISE DETECTOR
	NON MAINTAINED 8 WATT LUMINAIRE	(S)	OPTICAL SMOKE DETECTOR
	FIRE EXTINGUISHER CO2	(C)	CALL POINT
	FIRE EXTINGUISHER FOAM	(M)	SOUNDER
	FIRE BLANKET	(FH) RR	FIXED HEAT RATE RISE DETECTOR
	NON MAINTAINED WATER PROOF 8 WATT LUMINAIRE	(▲)	CALL BEACON MOBILITY W.C LIT AND SOUNDER CALL

DISCLAIMER
USE ONLY WRITTEN OR CALCULATED DIMENSIONS
DO NOT SCALE THE DRAWING MUST ONLY BE USED FOR THE PURPOSES INTENDED
ALL DIMENSIONS MUST BE CONFIRMED ON SITE
THE DRAWING IS DESIGN INTENT ONLY AND IS NOT INTENDED FOR USE IN MANUFACTURE
ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH RELEVANT SPECIFICATIONS
ANY DISCREPANCIES OR CONFLICTS BETWEEN ALL DRAWINGS MUST BE DRAWN TO THE ATTENTION OF THE DESIGNER FOR CLARIFICATION
THE DRAWING HAS BEEN PRODUCED IN CONJUNCTION WITH ALL OTHER RELATED DRAWINGS AND DOCUMENTATION IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE FULL COMPLIANCE WITH THE RELEVANT REGULATIONS
ALL DRAWINGS WHERE REQUIRED ARE SUBJECT TO THE APPROVAL OF A STRUCTURAL ENGINEER, THE DESIGNATED STRUCTURAL ENGINEER TO PROVIDE APPROPRIATE CALCULATIONS AND DETAILS
THIS DRAWING IS COPYRIGHT AND NO PART OF IT MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER
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THIS DRAWING AND THE DETAILS THEREON DO NOT CONSTITUTE AN INSTRUCTION

client: A 10.04 OUTSIDE LANDSCAPE REMOVED

client: STONEGATE

job title: PROPOSED VENUE STONEGATE YORK

drawing title: LICENSING LAYOUT

scale: @ A1

date: OCT 2021 drawn by:

drg. no.: SG_YO_820_09 A

PHONE: 07766883798

W: WWW.COLLECTIVE-DESIGN.CO.UK
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A: BALTIC 39
39 HIGH BRIDGE STREET
NEWCASTLE UPON TYNE
NE1 1EW

COLLECTIVE DESIGN

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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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Cumulative Impact

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
2. Relevant authorisations means:
 - premises licence
 - club premises certificate
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

5. As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
6. As required by the Act the Council has formally consulted on the assessment.
7. By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of

Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

8. Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
9. Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
10. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.
11. The Statement of Licensing Policy and Cumulative Impact Assessment were approved by the City of York on the 21 March 2019.

Cumulative Impact Area

12. The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
 - prevention of crime and disorder
 - prevention of public nuisance
13. North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
 - drink led premises – pubs, bars, nightclubs and restaurants/cafes;
 - entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
 - late night refreshment premises – takeaways; and
 - off licence premises – supermarkets and convenience stores.
14. A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.

9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
 - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.
- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council

determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

Cumulative Impact Area

- 9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
- prevention of crime and disorder
 - prevention of public nuisance
- 9.12 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
 - entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
 - late night refreshment premises – takeaways; and
 - off licence premises – supermarkets and convenience stores.
- 9.13 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.

NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003



North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises: Fawkes and The Tiger 32 Stonegate	
Post town: YORK	Post code (if known): YO1 8AS

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input checked="" type="checkbox"/>

GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:
(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This is a new grant application for a Bar with food offering on Stonegate, York in a former retail unit.
The applicant requests that the following be granted:

- Sale of alcohol on and off sales from 0800-0000hrs 7 days a week
- Late night refreshment 2300-0000hrs 7 days a week

The premises sits within York's CIA (Cumulative impact assessment area) an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came into effect in March 2022 and it states:

9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance

9.12 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- pubs, bars, nightclubs, restaurants, cafes, hotels (with bars open to the general public), late night refreshment

premises (takeaways) and off-licensed premises (including supermarkets and convenience stores);

- especially in the night-time economy; and
- especially at weekends (day and night-time economy).

The policy also states:

9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

The premises in question is former retail unit in the busy Stonegate area of York and will be adding a new licensed premises to this area.

Section 9.15 relating to the cumulative impact area states:

9.15 Applications for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate, through the operating schedule, that the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial food (more substantial than a bag of crisps or a bowl of olives or nuts);
- being served throughout the duration of the operating hours;
- no vertical drinking, all customers seated at tables;
- set number of table covers;
- table service only, no customers at the bar;
- no drinks promotion, unless they are in line with a food promotions.

The applicant has offered as part of the operating schedule a number of conditions which are welcomed by North Yorkshire Police however they do not state that the premises must be 'food led' or a restaurant and they have chosen to omit this from the conditions as well as no provision for waiter/waitress service or alcohol being ancillary to food meaning that this premises may be drink led.

Condition 2 offered on the operating schedule states:

2. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 3 hours before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 3 hours before the end of permitted hours for the sale of alcohol on any given day.

Though this condition states that food will be available this does not say that it will be a predominantly food led premises and has given a 3 hour window for alcohol to be sold without any offer of a menu meaning for 3 ½ hours each day customers will be able to consume alcohol at the premises without the offer of food. Further as there is nothing in

this or the other conditions that stipulate table covers, waiter service or alcohol ancillary to food customers could use the 210 seats in the premises to consume alcohol with no obligation to have any food at any point while open.

It was also noted that the applicant has offered a challenge 21 policy for the premises. Challenge 25 is considered to be the most appropriate policy now and is recommended to be adopted on all new premises licence applications for York City centre.

As a result of this North Yorkshire Police have made contact with the applicant's solicitor in order to mediate conditions to better mitigate against the risk associated with a drink led premises.

Unfortunately the applicant has not considered the conditions offered and no agreement has been reached.

North Yorkshire Police recommended the following minor amendments and can confirm that this would be considered reasonable to mitigate against risk:

Offered condition 2, Replace with:

'The premises shall operate as a predominately food led establishment. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 2 hour before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 2 hours before the end of permitted hours for the sale of alcohol on any given day. '

Offered condition 27, Replace with:

'The licence holder will operate a Challenge 25 Age Verification Policy at the premises. '

North Yorkshire Police have concerns that without these changes to ensure the premises is food led and has a menu available for the majority of time the premises is open and operating that the premise would be able to operate predominantly as drink led venue which is likely to impact the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance. Further that the age verification policy should be followed in line with other venues in the city and best practice to ensure underage persons are not served alcohol in the venue.

Members I would ask that you consider the points raised in line with the policy for this area and the conditions recommended by North Yorkshire Police.

Signature: K HOLLIS

Date: 21/09/22

Contact name: Kim HOLLIS (PC1671)

Address for correspondence: **Alcohol Licensing Department Fulford Road Police Station**

Post town: **York**

Post code: **YO10 4BY**

Tel. number (if any): **01609 643273**

Email address if preferred option of contact: **NYPLicensing@northyorkshire.pnn.police.uk**

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Map of area



Date: 22 Sep 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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