

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Looker and Mason

Date: Thursday, 27 October 2022

Time: 10.00 am

Venue: Remote Hearing

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

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

4. Exclusion of Press and Public

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

5. The Determination of a Section 18 (3) (a) Application by Ebor Holdings Ltd. for a Premises Licence in respect of The Liquor Store, Lower Ground Floor, The Chocolate Works, Bishopthorpe Road, York, YO23 1DE (CYC-071326) (pages 7-139)

Democratic Services officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - fiona.young@york.gov.uk

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

This page is intentionally left blank

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.



Licensing Act 2003 Sub Committee

27 October 2022

Report of the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for The Liquor Store, The Chocolate Works, Bishopthorpe Road, York, YO23 1DE

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 071326
3. Name of applicant: Ebor Holdings Limited
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 a new lower ground floor café bar, deli and restaurant.

Proposed Activity	Timings
Live music - indoors	1200 – 2300 Mon to Fri 1000 – 2300 Sat & Sun REMOVED
Recorded music – indoors	0900 – 2300 Sun to Thurs 0900 – 0000 Fri & Sat New Years Eve until 0100 REMOVED
Supply of Alcohol – Off the premises	0900 to 2300 Sun to Thurs 0900 to 0000 Fri & Sat New Years Eve until 0100 Between 9000 and 1100 each day, only off sales of alcohol

	will be sold for consumption away from the premises
Opening Hours	0900 to 2330 Sun to Thurs 0900 to 0030 Fri & Sat

Following negotiations with the responsible authorities the applicant has removed the request for live and recorded music and agreed to only selling alcohol for consumption off the premises between the hours of 0900 and 1100.

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 self-contained building in the lower ground floor, it will be a café/deli/wine bar/restaurant with on and off sale of alcohol, mainly for use by local residents.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 2**.

Promotion of Licensing Objectives

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

10. General

The licensee shall ensure that at all times when the premises are open for activity that there are sufficient, competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and preventing crime and disorder.

11. The Prevention of Crime and Disorder

Any incidents of a criminal nature on the premises will be reported to the police. Where service is refused to a customer an incident log will be completed. CCTV will be installed in High Definition, covering entry/exit and customer areas. Recording for 31 days with availability to police upon request.

12. Public Safety

Appropriate fire safety procedures will be in place including fire extinguishers, fire blanket, illuminated fire exit signs, smoke/heat detectors. Fire doors and exits to be kept free from obstruction. Disabled lifts, ramps and exit in place.

13. The Prevention of Public Nuisance

All customers to be asked to leave quietly, signs at exits will be prominently displayed. Outside exit pathways to be lit during dark hours. Premises is not in town and not part of an established route so reduced chance of drunk persons arriving. Customers will predominantly be estate residents.

14. The Protection of Children from Harm

All staff to be trained in underage sales prevention. The licensee and staff will ask persons appearing to be under 25 for photo ID. Acceptable ID will be passport, photo driving licence or HM Services card etc. A refusals register will be kept.

Special Policy Consideration

15. This premises is not located within the cumulative impact area.

Consultation

16. 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.
17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police made representation on the prevention of crime and disorder, however they have mediated with the applicant who has agreed to amend their operating schedule and have added several conditions. The agreed conditions can be found at **Annex 3**.

Therefore, North Yorkshire Police have withdrawn their representation.

Summary of Representations made by Other Parties

19. There have been 41 relevant representations received from other persons. The list of representors is attached at **Annex 4**. Of the total number of representations received 30 are objecting to the application, 11 are in support of the application. One of the objection letters is a petition signed by 52 named residents.
20. The representations from those who object are predominantly based on the grounds of the prevention of crime and disorder and prevention of public nuisance objectives. They state that these objectives will be undermined if the application is granted.
21. A copy of all the representations are attached at **Annex 5**.
22. A map showing the general area around the venue is attached at **Annex 6**.
23. 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

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

Analysis

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

31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.
35. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

36. 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.
37. 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

38.
 - **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

39. 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.
40. 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

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

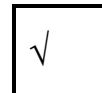
Contact Details

Author:
Lesley Cooke
Licensing Manager

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

Tel No. 01904 551515

**Report
Approved**



05.10.2022

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

Wards Affected: Micklegate Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form & Plan(s)
- Annex 2** - Overview of circumstances in which entertainment activities are not licensable
- Annex 3** - Conditions agreed with North Yorkshire Police
- Annex 4** - List of representors (other persons)
- Annex 5** - Representations from other persons
- Annex 6** - Map of area
- Annex 7** - Mandatory conditions
- Annex 8** - Legislation & Policy

This page is intentionally left blank



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

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 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 EBOR HOLDINGS LIMITED
(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	
LOWER GROUND FLOOR THE LIQUOR STORE THE CHOCOLATE WORKS BISHOPTHORPE ROAD	
Post town	Post code
YORK	YO23 1DE

Telephone number of premises (if any)

Non-domestic rateable value of premises

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 Mrs Miss Ms Other title (for example, Rev) _____

Surname First names

Please tick yes

Date of Birth I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

(B) OTHER APPLICANTS

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

Name EBOR HOLDINGS LIMITED
Address 85 GREAT PORTLAND STREET FIRST FLOOR LONDON W1W 7LT
Registered number (where applicable) 12543179
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?

Day	Month	Year
01	11	2022

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

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS THE LOWER GROUND FLOOR OF A SELF CONTAINED BUILDING JUST FOR COMMERCIAL USE. IT WILL BE A CAFE/DELI/WINE BAR/RESTAURANT, ON & OFF SALES, MAINLY FOR LOCAL RESIDENTS. BUILDING IS A GRADE 2 LISTED FACTORY, WITH PLANNING CONSENT.

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

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

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

Please tick yes

Provision of regulated entertainment

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

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

Sale by retail 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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 5)		
Thur					
Fri			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)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for Indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 6)
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music 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	Please give further details here (please read guidance note 4) TO ALLOW PROVISION FOR OCCASIONAL LIVE MAINLY ACOUSTIC MUSIC AS AMBIENCE RATHER THAN EVENT.			
Mon	12:00	23:00				
Tue	12:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 5)			
Wed	12:00	23:00				
Thur	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 6)			
Fri	12:00	23:00				
Sat	10:00	23:00				
Sun	10:00	23:00				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music 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	Please give further details here (please read guidance note 4) BACKGROUND MUSIC, NOT DANCEFLOOR OR LOUD. RESTAURANT AMBIENCE			
Mon	09:00	23:00				
Tue	09:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Wed	09:00	23:00				
Thur	09:00	23:00	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)			
Fri	09:00	00:00				
Sat	09:00	00:00				
Sun	09:00	23:00				

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance 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								
Tue								
Wed						State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing					
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 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								
Tue								
Wed						State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat								
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 type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat								
Sun								

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – 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	09:00	23:00						
Tue	09:00	23:00						
Wed	09:00	23:00						
Thur	09:00	23:00				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)		
Fri	09:00	00:00						
Sat	09:00	00:00						
Sun	09:00	23:00	NEW YEARS EVE 1am					

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

Name

BEN WILLIAMS.

Address

11

Postcode

Personal licence number (if known)

HDC 494

Issuing licensing authority (if known)

HAMBLETON DISTRICT 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	09:00 09:00	23:30 23:30	
Tue	09:00	23:30	
Wed	09:00	23:30	
Thur	09:00	23:30	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6) NYE 1:30am.
Fri	09:00	00:30	
Sat	09:00	00:30	
Sun	09:00	23:30	

M

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

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

THE LICENSEE SHALL ENSURE THAT AT ALL TIMES WHEN THE PREMISES ARE OPEN FOR ACTIVITY THAT THERE ARE SUFFICIENT, COMPETENT STAFF ON DUTY FOR THE PURPOSE OF FULFILLING THE TERMS & CONDITIONS OF THE LICENCE AND PREVENTING CRIME & DISORDER.

b) The prevention of crime and disorder

ANY INCIDENTS OF A CRIMINAL NATURE ON THE PREMISES WILL BE REPORTED TO THE POLICE. WHERE SERVICE IS REFUSED TO A CUSTOMER AN INCIDENT LOG WILL BE COMPLETED. CCTV WILL BE INSTALLED IN HIGH DEFINITION, COVERING ENTRY/EXIT/BAR AND CUSTOMER AREAS. 31 DAY RECORDING WITH POLICE AVAILABILITY UPON REQUEST.

c) Public safety

APPROPRIATE FIRE SAFETY PROCEDURES WILL BE IN PLACE. INCLUDING FIRE EXTINGUISHERS (FOAM, H₂O, CO₂), FIRE BLANKET, ILLUMINATED EXIT SIGN, SMOKE/HEAT DETECTORS, FIRE DOORS + EXITS TO BE KEPT FREE FROM OBSTRUCTION, DISABLED LIFTS, RAMPS + EXIT IN PLACE.

d) The prevention of public nuisance

ALL CUSTOMERS TO BE ASKED TO LEAVE QUIETLY. SIGNS AT EXIT, PROMINENTLY DISPLAYED, OUTSIDE EXIT PATHWAY TO BE LIT DURING DARK HOURS. PREMISES IS NOT IN TOWN AND NOT PART OF AN ESTABLISHED 'ROUTE' SO REDUCED CHANCE OF DRUNK PERSONS ARRIIVING CUSTOMERS WILL PREDOMINANTLY BE ESTATE RESIDENTS

e) The protection of children from harm

ALL STAFF TO BE TRAINED IN UNDERAGE SALES PREVENTION. THE LICENSEE + STAFF WILL ASK PERSONS APPEARING TO BE UNDER 25 (CHALLENGE 25) FOR PHOTOGRAPHIC I.D. SUCH AS DRIVING LICENCE OR PASSPORT, HM SERVICE CARD ETC. A REFUSAL REGISTER WILL BE KEPT

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- 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
- 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 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 PURUANT 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	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]</p> <ul style="list-style-type: none"> • 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, if appropriate (please see note 15).
Signature	
Date	25/08/22
Capacity	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 address for correspondence associated with this application (please read guidance note 14) BEN WILLIAMS. 16 PARK CRESCENT. YORK	
Post town YORK	Post code YO31 7NU
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 audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service

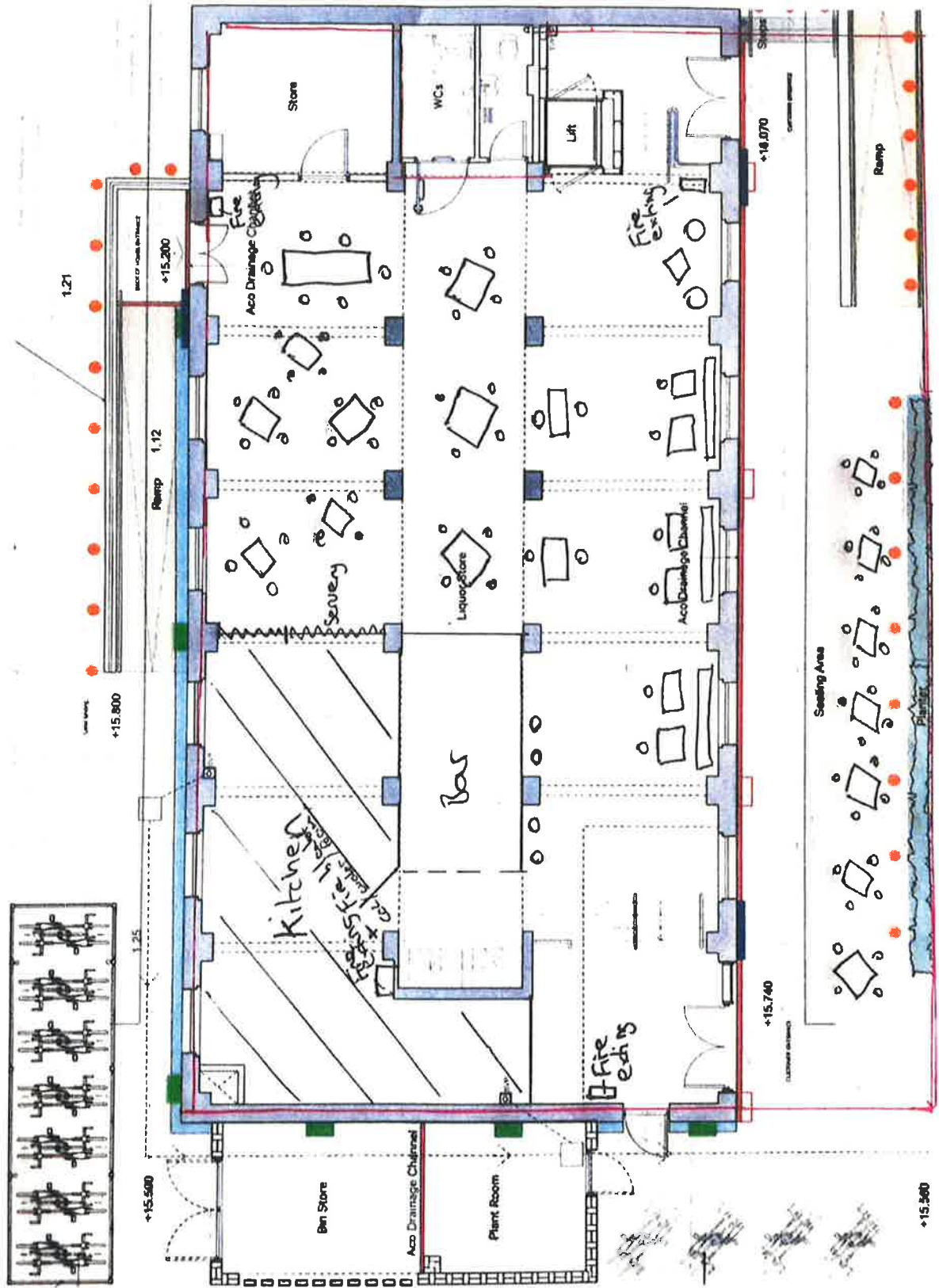
As an alternative to providing a copy of original documents, stated above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 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, 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 shared digitally. 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.

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. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



Scale 1:100

licence area

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.

This page is intentionally left blank

ANNEX 3

PROPOSED CONDITIONS AGREED WITH NORTH YORKSHIRE POLICE

1. The premises will trade predominantly as a restaurant / café /deli, and substantial food and non-intoxicating drinks shall be available at all times the premises are trading.
2. There shall be a minimum of 50 table covers available at all times when the premises are trading.
3. The external seating area, as defined on the premises plan, shall not be used after 21:00 hours daily
4. The telephone number of the premises and of the DPS shall be made available to residents living in the vicinity upon request.
5. Customers shall remain seated whilst consuming alcohol in the outside seating area, as defined on the premises plan.
6. The venue manager will remove tables and chairs from the outside area each day, after the area closes at 21:00 hours, or alternatively secure them in such a manner to prevent their removal or unauthorised use after the premises have closed.
7. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises.
8. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
9. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence.
10. The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.
11. 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.
12. 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.

13. 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 1 SIA registered door staff shall be provided at the premises from 17:00 hours to the close of business.

At all other times the need for SIA registered door staff shall be determined in accordance with an ongoing 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

14. When employed, a register of those door supervisors employed shall be maintained at the premises and shall include:

- a. the number of door staff on duty
- b. the SIA badge number and name of each member of door staff
- c. the times the door staff are on duty
- d. Any incidents

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

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

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

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

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

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

17. All sales of alcohol for consumption off the premises shall be in sealed containers, save for the outside seating area, as defined on the premises plan.

18. Prominent, clear, and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
19. The premises shall operate the Challenge 25 policy for the sale of alcohol.
20. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g., thumb print or pupil recognition, is adopted by the Premises Licence Holder).

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

From: Helen
Sent: 06 September 2022 09:47
To: licensing@york.gov.uk
Subject: Objection to Application

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Helen

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

Objection to application:

Name of Applicant: Ebor Holdings Ltd

**Address of Premises: Lower Ground Floor, The Liquor Store, The Chocolate Works,
Bishopthorpe Road, YO23 1DE**

I object to the application for a late night license for recorded and live music at the above address as this is a residential area.

Less than 50 yards from the venue are approximately 250+ residential apartments. My bedroom window is on the first floor **immediately** across from The Liquor Store. Music until 11 PM Sunday-Thursday is completely unacceptable as it will severely impact my sleep, especially with warmer weather where windows remain open.

Furthermore, there is the Chocolate Works Care Home 100 yards from the proposed address. These bedroom windows also remain open. Are the residents whom most are frail supposed to be subjected to this music every night?

The other concern is the noise from customers upon leaving the venue late at night.

Please object this application.

Thank you

Apts and The Residence
Bishopthorpe Road
YO23 1DQ

From:
Sent: 06 September 2022 10:27
To: licensing@york.gov.uk
Subject: Objection to licensing application

Categories: Helen

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

Objection to application:

Name of Applicant: Ebor Holdings Ltd
Address of Premises: Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, YO23 1DE

I object to the application for a late night licence for serving of alcohol and recorded and live music at the above address as this is a residential area.

Less than 50 yards from the venue are approximately 250+ residential apartments. My bedroom window is on the first floor **immediately** across from The Liquor Store. Drinking and music until 11 PM Sunday-Thursday and until midnight on Friday and Saturday is completely unacceptable as it will severely impact my sleep, especially with warmer weather where windows remain open.

Furthermore, there is the Chocolate Works Care Home 100 yards from the proposed address. These bedroom windows also remain open. Are the residents most of whom are frail supposed to be subjected to this music every night?

The other concerns are litter and noise from customers upon leaving the venue late at night.

Please refuse this application.

Perhaps it would be good to have a local consultation meeting with residents to gain their perspective. It would also be good if you visited the site because there are some homes less than 5yds from the building.

Thank you

Apts and The Residence
Bishopthorpe Road
YO23 1DQ

Sent from my iPad

From:
Sent: 06 September 2022 13:41
To: licensing@york.gov.uk
Subject: Ebor Holdings Limited Premises Licence Application

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

Dear Sir

I wish to object to the present application by the above company for a premises licence for Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road York, YO23 1DE.

The agreed planning application 21/02748/FUL listed the proposed use of the lower ground floor as a delicatessen/cafe and I believe the new existing licence request is a move away from this initial purpose.

In the above application, justifiable concerns were raised about excessive noise and nuisance from the venue and the addition of a licence would significantly increase noise in a built up residential area.

I am aware that approval was given providing that music was not audible outside however I do not believe that this is possible given the location. In addition the proposed hours of 9am - midnight is significantly longer than originally planned and the lack of sufficient allocated parking will increase disruption

The Liquor Store is located between The Residence, The Clocktower, David Wilson Homes apartment block and the Care Home with many families less than 20m away. The proximity to tall buildings on all sides means that any sound echoes and is amplified. Noise from the inside the venue and guests arriving or leaving will disrupt nearby families.

I therefore request that this licence is rejected. An evening site visit by your committee may be useful to confirm the risks of this application

Yours faithfully

The Residence
Bishopthorpe Road
York
YO23 1FF

Get [Outlook for iOS](#)

From:
Sent: 15 September 2022 18:37
To: licensing@york.gov.uk
Subject: Re: The Liquor Store, Premises Licence application amendment

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

I refer to your email of 15th which is attached.

I would request that my objection to the licence remains in place as the late licence will be a unacceptable nuisance to all within the development.

The inclusion of a late licence is creating a change in purpose from the original planning application which listed the lower ground floor as a cafe/ delicatessen. If the licence had been included in the original application it would have attracted many more objections.

The Liquor Store is in the middle of a highly populated residential area surrounded by families and a care home (not to mention a soon to be completed brain injury unit).

The main door opens onto the street facing The Residence with tall buildings on all sides. This creates an acoustic echo chamber with all noises amplified, particularly at night. The sounds of people entering and leaving will disturb residents, children and patients and is unacceptable.

Yours

The Residence
Bishopthorpe Road
York

[Get Outlook for iOS](#)

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: Thursday, September 15, 2022 11:07 am
To: licensing@york.gov.uk <licensing@york.gov.uk>
Subject: The Liquor Store, Premises Licence application amendment

Dear Representor

I am emailing to let you know that the applicant for the new premises licence at The Liquor Store, The Chocolate Works, Bishopthorpe Road has now amended the application to **remove** all requests for live and recorded music.

As many of your concerns were around noise from entertainment please can you let me know as soon as possible if this affects your objection/support. If you wish to amend or withdraw your representation please can you confirm by email before 3rd October.

To clarify the application now seeks the following:

**Sale of alcohol on & off the premises
9am to 11pm Sunday to Thursday**

9am to midnight Friday and Saturday.

Should you wish your representation to remain in place please note the committee at any subsequent hearing can only consider the sale of alcohol at the above hours when considering your views and making their decisions.

Kind regards

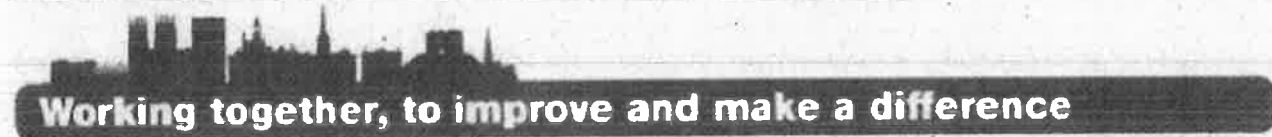
Helen Sefton | Senior Licensing Officer

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Place Directorate, Hazel Court Eco Depot, James Street, York, YO10 3DS

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)



We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk

Help protect the environment! please don't print this email unless you really need to.

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

From:
Sent: 06 September 2022 13:45
To: licensing@york.gov.uk
Subject: Objection to Application

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

Name of Applicant: Ebor Holdings Ltd

Address of Premises: Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, YO23 1DE

I object to the application for a late night license for recorded and live music plus sale of alcohol at the above address due to its close proximity to and it being surrounded by quiet residential housing. This is going to negatively impact our neighbourhood due to inevitable noise from music at the venue which is approximately 10 metres from all buildings. There will be noise and potential for disorderly behaviour from those leaving the premises late at night. This is a new venue which is out of keeping with this peaceful area and I would suggest a site visit by the Council prior to a decision being made to understand the incongruous siting of this business.

Apartment , The Residence
Bishopthorpe Road
York
YO23 1DQ

DISCLAIMER: This email may contain confidential and/or proprietary information some or all of which may be legally privileged. It is for the intended recipient only. If any addressing or transmission error has misdirected this email, please notify the author by replying to this email and destroy any copies. If you are not the intended recipient you must not use, disclose, distribute, copy, print, or rely on this email. The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this email AND YOUR REPLY cannot be guaranteed.

From: [redacted]
Sent: 06 September 2022 17:26
To: licensing@york.gov.uk
Subject: RE: Licensing Act 2003 Objection to Application

Categories:

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

Re: your email

My full address is:

Apt The Residence
Bishopthorpe Road
York
YO23 1DQ

Sent from Sky Yahoo Mail on Android

On Tue, 6 Sep 2022 at 16:43, licensing@york.gov.uk
<licensing@york.gov.uk> wrote:

Dear Sir

For us to be able to accept your representation we require your full address please.

Kind regards

Licensing Section

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Place Directorate, Hazel Court Eco Depot, James Street, York, YO10 3DS

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)



Working together, to improve and make a difference

We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk

From: [redacted]
Sent: 06 September 2022 15:07
To: licensing@york.gov.uk
Subject: Licensing Act 2003 Objection to Application

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

Applicant: Ebor Holdings Limited

Premises Address: Lower Ground Floor, The Liquor Store The Chocolate Works, Bishopthorpe Road, York YO23 1DE

I object to this application on the grounds of the inappropriate location of the premises. I recommend a visit by licensing officials prior to considering the application which will show that the premises are closely surrounded on all sides and overlooked by residential apartments, houses and a care home. The inevitable noise and disruption from the operation of the business including live music during the proposed trading hours long into the night including Saturdays and Sundays will adversely impact on the quiet enjoyment of the adjacent properties.

Apartment 1 The Residence

Help protect the environment! please don't print this email unless you really need to.

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

From: [REDACTED]
Sent: 09 September 2022 12:50
To: licensing@york.gov.uk
Subject: Re: Objection to application for night license - Ebor Holdings Limited

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

The Residence, Bishopthorpe Rd, York YO23 1DQ

Sent from my iPad

- > On 8 Sep 2022, at 13:45, ([REDACTED]) wrote:
- >
- > Address of premises: lower ground floor, The Liquor Store, The
- > Chocolate Works, YO23 1DE I write to strongly object to the application for a late
- > night license for late night live music at the above address. The main concern is the
- > very close proximity of residential housing and the disruption it will cause to
- > neighbours of the said venue.
- > regards
- >
- >
- > The Residence, LS23 1DQ
- >
- >
- > Sent from my iPad

From:
Sent: 11 September 2022 10:02
To: licensing@york.gov.uk
Subject: The Liquor Store

Categories:

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

Dear Licensing,
This is to say as a local, how exciting it is to have the proposed Liquor Store in The Chocolate Works Bishopthorpe Rd.
I wish to extend my support for issuing them a licence.
Best wishes

Trafalgar St
YO23 1HZ

From:
Sent: 11 September 2022 16:56
To: licensing@york.gov.uk
Subject: Ebor Holdings: liquor works bar/ Terrys chocolate heritage site

Categories:

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

Sirs

The proposal is for excessive hours including until 11am on Sunday It is clearly planned as a music bar with huge capacity but is too close to residential buildings (within 10 metres) and there is wholly inadequate parking for more than a few clients. The size of the facility means we talk of potentially 100 clients.

Morally it is also wrong to have a bar in a heritage Quaker building- The Liquor Store is named after orange concentrate for the chocolate orange NOT alcoholic beverages

I hope that alongside any permission the council accepts and meets its responsibilities for the upholding of peace and quiet, law and order, cleaning up litter and protecting the Peace Park from damage and abuse. Due to the loss of amenity the residents will be expecting a reduction in the Council Tax banding and thus more widespread access to the cost of living support.

Regards

The Residence
Y023 1DQ
Sent from my iPhone

From: [redacted]
Sent: 12 September 2022 09:14
To: licensing@york.gov.uk
Subject: Re: The Liquor Store

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

Thank you for your prompt response.

Mv address is:
 Main Street
 Bishop Wilton
 York
 YO42 1SP

I have several friends in the area of The Liquor Store and we usually end up driving into York for a good wine bar.

Many thanks

Sent from my iPhone

> On 12 Sep 2022, at 08:35, licensing@york.gov.uk wrote:

>
 >
 >
 > Thank you for your email, for us to accept it we require your address.

>
 > Many thanks

>
 > Licensing Section
 > t: 01904 552422 | e: licensing@york.gov.uk

>
 >
 > City of York Council | Public Protection Place Directorate, Hazel
 > Court Eco Depot, James Street, York, YO10 3DS www.york.gov.uk |
 > facebook.com/cityofyork |@CityofYork

>
 >
 >
 >
 > We take your privacy seriously. For details of the information we
 > collect, how we use it and who we may share it with please see the
 > Public Protection Privacy Policy on our website, www.york.gov.uk

> -----Original Message-----

> From: [redacted]
 > Sent: 11 September 2022 09:19
 > To: licensing@york.gov.uk
 > Subject: The Liquor Store

- >
- > This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
- >
- > It has come to my knowledge that there is a proposal to open a wine bar/ deli in the old liquor store near The Chocolate Works in Bishopthorpe. What a brilliant idea to convert part of the liquor store into this. I totally support and look forward to having this is a meeting place with friends. It would seem to me to complement this new social hub.
- >
- > Many thanks
- >
- >
- >
- > Sent from my iPhone
- > * * * * *
- > * * * * * Help protect the environment! please don't print this email unless you really need to.
- > * * * * *
- > * * * * *
- >
- > This communication is from City of York Council.
- >
- > The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.
- >
- > If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.
- >
- > City of York Council disclaims any liability for action taken in reliance on the content of this communication.
- >
- > City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>.

From:
Sent: 12 September 2022 19:35
To: licensing@york.gov.uk
Subject: The Liquor Store restaurant in The Chocolate Works, Bishopthorpe Road

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

I understand a licence has been applied for by the Liquor Store restaurant in The Chocolate Works, Bishopthorpe Road.

As a local resident, I feel such a restaurant would be an asset to the community I wish to extend my support for issuing them a licence.

Yours sincerely,

Trafalgar Street

York

YO23 1HZ

From:
Sent: 14 September 2022 15:54
To: licensing@york.gov.uk
Subject: Ebor Holdings: liquor works bar/ Terrys chocolate heritage site

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

Hi.

I am absolutely dumfounded that a live music bar is being considered in this heritage building. The parking is inadequate, the venue is in a totally inappropriate area so close to residential apartments and houses. The quiet and peaceful ambience of the locality (which is one reason to put a brain trauma recovery unit here) will be hugely impaired, not to mention that the volume of visitors to the area and the mess they leave in their wake will have a negative impact on current residents' quality of life.

Apartment The residence.

Op

From: [redacted]
Sent: 16 September 2022 11:28
To: licensing@york.gov.uk
Subject: representation for licensing application

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

I wish to submit representation in support of the application for
Applicant: Ebor Holdings Limited
Premises Address: Lower Ground Floor, The Liquor Store, The Chocolate Works,
Bishophorpe Road, York YO23 1DE

This application should be granted as there is a community need for this type of establishment.

As the Manager of the Chocolate Works care Village I support the application.

It provides a break away space for our Social care staff on their breaks.

It provides a social outing venue for our residents. This is something we have been lacking. Many of our residents go out with family and friends and would welcome the addition of this establishment to enable them to be part of the local community.

Residents enjoy going out for an evening meal , especially if music is involved , the residents who live with Dementia would particularly enjoy being able to enjoy this with their families or the staff.

I believe we should be encouraging businesses to The Chocolate Works who enhance the offer for the Community. .

I have NO objection to the provision as it stands in the application.

Kind Regards



Bishophorpe Road, York, YO23 1DE



From:
Sent: 16 September 2022 12:32
To: licensing@york.gov.uk

Categories:

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

We want to support the planning of the new opening of The Liquor Store near the Chocolate Works where my Mother is a resident.

We think this would be brilliant for the community and residents and relatives of the residents. Somewhere for them to meet up away from the Chocolate works but not too far....a great opportunity.

Regards

From: N
Sent: 17 September 2022 10:43
To: licensing@york.gov.uk
Subject: License Application for Liquor Store Café and Wine Bar / Chocolate Works Site York

Categories:

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

Hi - Just contacting you as a resident of the Chocolate Works (Robert Street, York YO23 1PS) regarding the licensing application made by Ben Williams / Ebor Holdings for the Liquor Store as detailed below:

I would fully support the application for the

- **Supply of Alcohol (on/off sales)**
Monday to Thursday 09:00 to 23:00 hrs. Friday and Saturday 09:00 to Midnight.
Sunday 09:00 to 23:00 hrs. New Year's Eve 09:00 to 01:00 hrs.
- **General Opening Hours**
Monday to Thursday 09:00 to 23:30hrs. Friday and Saturday 09:00 to 00:30 hrs.
Sunday 09:00 to 23:30 hrs. New Year's Eve 09:00 to 01:30

With regard to any music license request (although I gather this may have been withdrawn anyway) **I would fully support:**

- Recorded Music (indoors)
 - Monday to Thursday 09:00 to 23:00 hrs. Friday and Saturday 09:00 to Midnight.
Sunday 09:00 to 23:00 hrs. New Year's Eve 09:00 to 01:00 hrs. Background music, not dance floor or loud, for restaurant ambience.
- But on Live Music (indoors)
 - I gather the request was for Monday to Friday 12:00 to 23:00 hrs. Saturday and Sunday 10:00 to 23:00 hrs to allow provision for occasional live, mainly acoustic music as ambience rather than an event. **I would support this as long as it was acoustic only**

Many thanks!

From: licensing@york.gov.uk
Sent: 20 September 2022 09:28
To:
Subject: RE: The Liquor Store, Premises Licence application

Dear Mr

Thank you for your reply.

We may only take representation from named persons, therefore whilst I appreciate you represent 163 properties as an association we can only accept the representation from yourself and those four named persons in your email.

Many associations in these circumstances find it useful to produce a petition, you have until 3rd October should you wish to submit such a petition signed by your members.

Your representation which has been logged. You will be contacted again once the period of consultation (3rd October) has passed regarding any potential licensing hearing.

Kind regards

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

City of York Council | Public Protection
Hazel Court Eco Depot, James Street, York, YO10 3DS
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)



Working together, to improve and make a difference

We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk

From: [redacted]
Sent: 17 September 2022 18:10
To: licensing@york.gov.uk
Subject: Re: The Liquor Store, Premises Licence application

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

Thanks for getting back to me and apologies for not picking up on this. We do represent 163 apartment owners, but I don't think it is appropriate for me to include all their names and addresses. So these are the details of the 5 current directors of the management company (who are all residents):

- 1. Apartment 1 The Residence, Bishopthorpe Road, York, YO23 1DQ
- 2. Apartment 2 The Residence, Bishopthorpe Road, York, YO23 1DQ
- 3. Apartment 3 The Residence, Bishopthorpe Road, York, YO23 1DQ
- 4. Apartment 4 The Residence, Bishopthorpe Road, York, YO23 1DQ
- 5. Apartment 5 The Residence, Bishopthorpe Road, York, YO23 1DQ

Regards,

On Fri, 16 Sep 2022, 16:15 licensing@york.gov.uk, <licensing@york.gov.uk> wrote:

Dear Mr

Thank you for your representation, for the Licensing Authority to be able to accept this we require an address.

Furthermore if you write representing a list of persons you will need to supply names and addresses of those you represent.

I have attached a guidance note which may assist.

Kind regards

Helen Sefton | Senior Licensing Officer

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Place Directorate, Hazel Court Eco Depot, James Street, York, YO10 3DS

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Error! Filename not specified.

We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk

From:

Sent: 16 September 2022 14:48

To: licensing@york.gov.uk

Subject: The Liquor Store, Premises Licence application

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

I'm writing on behalf of the management company for The Residence (representing 163 apartments).

Given the proposed change of use from a cafe/deli to something more in the nature of a wine bar, we are concerned about the potential for noise nuisance and anti-social behaviour. The concern about noise nuisance is heightened when customers would be leaving the premises, waiting for taxis etc.

So whilst welcoming the initially proposed cafe/deli concept, we suggest that the sale of alcohol, on and off the premises, be allowed only up to 8pm. We also suggest that the external seating areas should only be used up to 7pm, as per the condition in the approved planning application.

We are concerned about the significant potential for anti-social behaviour on race days in this area, which is already a problem, with a new bar attracting post-racing drinkers and inviting anti-social behaviour.

Director of The Residence (York) Management Company

Help protect the environment! please don't print this email unless you really need to.

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

From:
Sent: 20 September 2022 20:15
To: licensing@york.gov.uk
Subject: Representation to Object to a Licensing Application - Ebor Holdings Ltd

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

Objector:

in capacity as nearby resident.

Clock Tower Way
York
YO23 1PP

Applicant:

Ebor Holdings Limited
Lower Ground Floor
The Liquor Store
The Chocolate Works
Bishopthorpe Road
York YO23 1DE

I wish to object to this application's proposed opening hours on the grounds of Public Nuisance. With specific reference to i) Noise, ii) Parking issues, and iii) off-sale of alcohol. As the application stands, these will operate to late at night/early hours of the morning, which is wholly inappropriate and unnecessary for a densely populated residential area.

i) Noise

The premises are located central to a very densely populated residential area. The adjacent residential buildings of The Residence (directly opposite), Orange House (adjacent), The Clock Tower (adjacent) and the town house style properties of Clock Tower Way, Robert Street and Joseph Terry Grove (immediately behind) are all tall buildings of 3 or more storeys that create an "acoustic amphitheatre", of which The Liquor Store located at its central point. Architecturally, The Liquor Store could not have been placed in a worse location for any activity that causes noise disturbance.

Following the recent completion of the surrounding buildings it is already evident that noise generated from events at the nearby race course is channelled and reverberates around these buildings. Any noise generated within the area will be amplified and circulated to the disturbance of all nearby residents.

Specific consideration should be given to the nearby Chocolate Works Care Home where residents are elderly, often fragile and vulnerable. This sector of society should be afforded our highest possible level of protection from disturbance and noise.

The original proposal for The Liquor Store was for a day time style café located in a densely populated residential area that did not envisage evening or night time operation.

The operation of the premises in the manner proposed will significantly disturb nearby residents who range from the elderly to many young families with toddlers and babies.

ii) Parking

Facilities for parking in the surrounding area is severely limited. The small number of spaces allocated to the applicant (3 spaces?) will likely be needed for staff. All other car parking spaces in the area are allocated exclusively to residents, visitors specifically visiting residents or other small businesses. The practical reality is little or no parking will be available for patrons. While some may visit on foot, there will be a propensity for a large number of taxis picking up late at night, with associated door slamming and engines running. There are no designated pick up or drop off points for taxis, resulting in road congestion and obstruction.

iii) Sale of Alcohol

Off-sales - The nearby "soon to open" Co-operative Supermarket at the other end of Clock Tower Way already adequately serves the area with off-sales. There can be no justification of requirement for additional amenity.

On-sales – The responsible service of alcohol during hours compatible with not disturbing a densely populated residential area is acceptable. However, anything beyond early evening will inevitable lead to local disturbance.

While I generally support the application (off-sales excepted), the opening hours should be limited to those commensurate with the undisturbed living of the many families living nearby who have to be up early for work and school. Special consideration must be given to the nearby Care Home.

I respectfully suggest that given the sensitive nature of the location, 8pm closing is appropriate for this type of establishment.

Yours sincerely

From:
Sent: 21 September 2022 10:45
To: licensing@york.gov.uk
Subject: Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, York YO23 1DE

Categories:

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

Dear Sir, Madam,

I own an apartment within The Residence (flat) and I would like to submit the following with regards to the proposed licensing application for the Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, York YO23 1DE.

While I fully support the plans for a cafe/deli and I would expect this to be popular and well used by residents and others in the area, I do object to any application for live music and for the sale of alcohol beyond 8pm each day.

My reasons for these objections include the following -

- 1) This immediate area is now a well established residential area. The owners of all of the surrounding properties at The Residence and The Chocolate Works purchased their properties because this area has been carefully designed as a residential space. There is a care home closeby, the 'Peace Garden' which is a private garden space for residents is located almost opposite The Liquor Store and all 4 sides of The Liquor Store have immediate residential properties as neighbours. My concern is that licensed premises where alcohol is being served later into the evening beyond 8pm will create noise and disruption for residents and will have an adverse impact on their ability to have peace and enjoyment from inside their homes and the 'Peace Garden', particularly during warmer weather where windows are likely to be open within residential properties and the Peace Garden will be used in the evening by residents. Noise from licensed premises late into the evening will have a negative impact on residents' quality of life.
- 2) I have concerns that licensed premises which are permitted to serve alcohol beyond 8pm will create anti-social behaviour, more traffic within The Residence/Chocolate Works estate late into the night and general disturbance for residential neighbouring properties. Looking at what can happen with licensed premises elsewhere in York , it would be easy to anticipate that an intolerable level of noise and nuisance from customers would be created from them arriving / leaving late into the evening, the risk that those people spill over into other parts of The Residence/Chocolate Works estate and there is a general air of anti-social behaviour, litter, noise and traffic. I would be concerned this has an adverse impact on the 'Peace Garden' and residents' ability to enjoy their homes as intended.
- 3) Race days would be of critical concern and I would expect particular problems to be generated on race days with people attending and trying to gain access. With late licensed premises serving alcohol beyond 8pm being positioned so close to the racecourse, I would expect a significant level of noise and disruption being created for residents and neighbours of The Liquor Store and this will create long term and embedded anti-social issues within the area.
- 4) Later licensed premises serving alcohol beyond 8pm are more likely to attract a high volume of customers to The Liquor Store travelling from further afield. This will create further noise, pollution and road traffic within The Residence/Chocolate Works estate. With only up to 9 car parking spaces available in the evening for The Liquor Store, there will inevitably be issues with parking and traffic management both within the estate and on the street.

From: |
Sent: 22 September 2022 06:13
To: licensing@york.gov.uk
Subject: The Former Liquor Store, Bishopthorpe Road, York - Ref 21/02749/LBC

Categories:

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

To whom it may concern

My wife and I are the owners of Flat The Residence, Bishopthorpe Road. We wish to raise an objection to the license application for a bistro/wine bar/off-license at the above Former Liquor Store.

The conversion of the former Terry's Chocolate factory was based on the development of high-quality apartments, care home and offices. Consequently, premium prices were paid.

A significant proportion of owners/tenants are retired people.

I believe it is therefore totally inappropriate to create a bar and off-license in such a location and which is only a few metres from the entrance to The Residence.

It is a well-known fact that licensed premises are a magnet for undesirables, that will generate anti-social behavior, (including violence), and raised noise levels after dark; thereby causing a major nuisance for local residents.

In addition, there are already significant car parking problems that the establishment of a licensed premise will only exaggerate.

In summary, a quite high-quality residential area is not an appropriate location for a drinking hole. People who have invested heavily in buying an apartment should not have lifestyles prejudiced in order for a bar owner to make a quick financial killing.

The original intent when developing the former Liquor Store was for a cafe/delli. I am therefore asking for the license application to be rejected.

Regards

From:
Sent: 24 September 2022 19:18
To: licensing@york.gov.uk
Subject: Objection PR/RESID/ licensing application

Categories:

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

I am writing to object to the licensing application at The Liquor Store Bishopthorpe Road

I have lived at The Residence for three years & I have accepted a considerable amount of noise & disturbance whilst the Liquor Store is being refurbished. My bedroom, along with many others, faces the store & I have been woken many times with the horrendous noisy delivery of materials & voices before normal working hours

I am extremely concerned that the permission of the liquor license would interfere with the established comfort & quality of life of the area of Residential living due to the noise of voices, traffic & taxis. Noisy Delivery lorries would also be increased. It would be impossible to open any windows in the vicinity either in the heat of the summer or for general comfort when sleeping. This would amount to Statutory nuisance.

I completely disagree with the permission of a liquor license in this Residential area on the grounds of noise & nuisance to existing neighbours

Apartment The Residence
Bishopthorpe Road

Sent from my iPhone

From:
Sent: 23 September 2022 20:08
To: licensing@york.gov.uk
Subject: Re: Liquor Store, Terry's, Bishopthorpe Road, York

Categories: F

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

On Fri, 23 Sep 2022 at 08:55, <[redacted]> wrote:

I write to object to the application regarding the Liquor Store at Terry's, Bishopthorpe Road. Below are my main objections to the proposals in the application.

The Liquor Store is entirely surrounded by residential apartments and houses. My apartment faces the Liquor Store frontage and is approximately fifty yards away. Many retired people reside in The Residence , and The Care Home is in close proximity.

Allowing various events until 11 p.m (12 p.m Fridays and Saturdays) is totally unacceptable . The sale of alcohol during these hours will create serious problems.

Anti social behaviour often accompanies late hour drinking venues. This is bad enough in York city centre, but would be horrendous in this quiet residential area.

An increase in footfall would create more noise together with problems of discarded litter etc.

Vehicular parking will certainly be a problem as there is very limited parking spaces available for the use of the Liquor Store.

We at The Residence and Clock Tower are very concerned that the proposal, if allowed, would devalue our properties. We have paid, and continue to pay re management fees and substantial council tax, to live in an area where we hoped would be beneficial to our peace of mind. I therefore ask the council to seriously consider not allowing this proposal .

The Residence
Bishopthorpe Road
York
YO23 1 DQ

From:
Sent: 23 September 2022 18:13
To: licensing@york.gov.uk
Subject: Application re. The Liquor Store, Terry's, Bishopthorpe Road, by Ebor Holdings

Categories:

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

I have listed below objections to the application/proposal regarding the Liquor Store at Terrys.

- 1) Allowing an event to take place from 9am-11pm Sunday to Thursday, 9am-12midnight Friday & Saturday.
- 2) The Liquor Store, is surrounded by and in very close proximity to residential apartments and houses, i.e. The Residence, The Clock Tower, The Chocolate Works, and a care home. Also, being built now is a facility for brain damaged patients.
- 3) Parking will be very limited, and it is of great concern that this will cause cars to be illegally parked in The Residence car park.
- 4) Late hour drinking venues often produce anti-social behaviour. Unlike York city centre, where this is often a big problem, we are a residential community where anti-social behaviour would cause great anxiety & be very distressing to all residents.
- 5) increased footfall would create further noise, along with serious litter problems.
- 6) Many retired people living at The Residence look forward to spending their lives in peaceful, tranquil and historic surroundings. This would certainly not be the case should this proposal be approved.

I therefore request that the Council look at all the objections from extremely concerned residents, taking everything into consideration, and reject this proposal.

Apt
The Residence
Bishopthorpe Road
York
YO23 1DQ

Sent from my iPad

1942

1943

1944

1945

1946

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

1961

1962

1963

1964

1965

1966

1967

1968

1969

1970

1971

1972

From:
Sent: 26 September 2022 10:49
To: licensing@york.gov.uk
Subject: Re Owner of One The Residence York YO23 1DQ

Follow Up Flag: Follow up
Flag Status: Completed

Categories:

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

Dear Sirs

It has come to my attention the Landlord or Tenant of the Liquor Store at The Residence YO23 1DQ has now requested a change from the initial plan of a Coffee shop/ Deli, to a facility with alcohol on sale 7 days/nights per week with a licence to serve alcohol until midnight on 2 of the 7 nights of the week.

My bedroom and sitting room is less than 10m away from The Liquor Store and I totally object to this proposal as it is wholly impractical to have a drinking/eating establishment in what is a quiet residential area.

In the spring and summer, I like to sit in my patio garden and read making me now less than 8m away from dozens of people sitting outside causing a disturbance and preventing me from having the quiet enjoyment of my apartment and patio.

It is totally unacceptable to develop a lovely tranquil residential site and then allow the retro application for a drinking licence. As you are know doubt aware, this will increase footfall and traffic along with unsocial behaviour, late night noise, broken glass, cigarette butts and everything else associated with the late fall-out from drinking establishments.

It has been suggested it will be a place where the residents of The Residence might like to go but given the average age of the residents is around 60 years, I cannot imagine this is a venue they would want to frequent on a regular basis.

Please expect this email as my Objection to have any sort of establishment which works out side of normal business hours Monday to Friday 09:00 to 17:00 and particularly one which sell alcohol.

Kind regards

From:
Sent: 26 September 2022 14:21
To: licensing@york.gov.uk
Subject: Liquor Store licence application by Ebor Holdings

Categories:

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

Good afternoon

I would like to object to the above on the following grounds. I live at The Residence, Bishopthorpe Road York. My apartment is one of 166 with all 3 bedrooms facing onto the liquor store. Further, there are numerous other houses and apartments close by including The Chocolate Works incorporating Orange House which is immediately adjacent to the Liquor Store and The Clock Tower apartments. On top of this the care home forms part of the estate. The nature of the tall buildings makes even the slightest sound audible, resulting in sleepless nights for many people. The idea of what was originally to be a coffee shop evolving into a wine bar selling small plates and with a licence to 11pm Sunday to Thursday and thereafter midnight on Fridays and Saturdays would make life untenable. At a meeting with the prospective owner myself and others suggested a 9pm closing time. I would like to see the building put to good use but not with a licence that would adversely affect so many people.

Kind regards

Sent from my iPad

From:
Sent: 26 September 2022 17:12
To: licensing@york.gov.uk
Subject: Re: Ebor Holdings Ltd: The Liquor Store, Bishopthorpe Road. YO23 1DE

Categories:

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

Dear Ms Sefton,

Thank you for your swift reply.

Please find below my new and hopefully valid OBJECTION to the above Application.

I am concerned about the potential for noise nuisance and anti-social behaviour. The concern about noise nuisance is heightened when customers would be leaving the premises in particular, waiting for taxis etc. The Liquor Store is enclosed by residential property on three sides & can only be accessed from 'private land'. There is no access from an adjacent public highway. As such both entering & leaving the Cafe/Bistro would require customers to pass close to ground floor bedrooms of three blocks of apartments, the ground floor bedrooms of residents of Springfield Health Care Home, as well as all of the bedrooms of those on higher levels. There is no substantial garden areas to separate the housing from the pavement & roadway from late night revellers.

The neighbourhood is currently quiet with little traffic or pedestrianised movement after about 18:00. This is likely to change with a granting of an alcohol licence, resulting in public nuisance in general. Many of the apartments have outside space with terraces or balconies & overlook the Liquor Store. These properties in particular will suffer from late night noise. Particularly so, as is common with many recently built blocks of apartments, they are over warm for much of the year resulting in doors & bedroom windows being open day & night.

I am concerned about the significant potential for anti-social behaviour on race days in this area, which is already a problem, with a new bar attracting post-racing drinkers and inviting anti-social behaviour.

Please reject this Application in its entirety.

Thank you & regards,

Apartment he Residence, Bishopthorpe Road, YO23 1FF

On 26/09/2022 15:46, licensing@york.gov.uk wrote:

Dear Mr Smith

Thank you for your email.

I have attached a guidance note regarding making a representation, planning permission (or lack of) is not one of the four licensing objectives, nor is the presence of another licensed premises within the vicinity. If you would like to reword your representation in line with the

attached guidance I would be happy to accept your submission. As it stands I'm afraid your representation is not valid.

Please note the applicant has removed all requests for licensable live and recorded music within this application, therefore the application is for the sale of alcohol only (on and off the premises).

You may also find it useful to know that the Planning Authority are a statutory consultee on all licensing applications.
Please note you have until 3rd October to make your representation.

Kind regards

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

City of York Council | Public Protection
Place Directorate, Hazel Court Eco Depot, James Street, York, YO10 3DS
www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)



Working together, to improve and make a difference

We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk

From:
Sent: 26 September 2022 15:00
To: licensing@york.gov.uk
Subject: Ebor Holdings Ltd: The Liquor Store, Bishopthorpe Road, YO23 1DE

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

Dear Sirs,

Re: Application for the grant of a new premises licence: Cafe, Deli, Wine Bar, Restaurant. Live Music, Recorded Music (indoors) + Supply of Alcohol (on/off sales)

From: [redacted]
Sent: 27 September 2022 07:59
To: licensing@york.gov.uk
Subject: PR/Resid/licensing

Categories:

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

I write with reference to a petition being submitted by some residents of The Residence in relation to the application by the cafe at the Liquor Store to amend its business operating licence.

I note that many people signing the petition objecting had not had sight of the letter submitted when signing the petition as it was still being composed

Many residents including myself fully support the provision of a licensed cafe subject to the objections which had already been raised by the Directors of our management committee and hope it will become an important part of the local community

[redacted]
The Residence

Sent from my iPad

From: [redacted]
Sent: 27 September 2022 07:58
To: licensing@york.gov.uk
Subject: Old Liquor Store, Terrys York

Categories:

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

Hi

After reading a petition that is being composed by some residents at the Residence, York I should like to make the following points

1. The petition is being signed without petitioners having access to the letter of petition. "There will be a comprehensive letter to the licensing authority outlining the reasons why we disagree with any changes to allow alcohol to be sold from the premises and also regarding the prolonged opening hours, this is still being composed" being the information supplied to the signatories.
2. The petition does not allow for individual objections.
3. There are residents here who fully support the provision of a licensed cafe.

I support the current application in line with objections raised by the Directors of our Management Committee.

Regards

The Residence.

From: _____

Sent: 28 September 2022 20:45

To: licensing@york.gov.uk

Subject: Licensing Comments - Ebor Holdings Limited Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, York, YO23 1DE

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

Good Morning

My wife and I reside in The Residence at The Chocolate Works, and wish to support this application. The applicant is obviously an experienced licensee having owned/run 'more upmarket' establishments previously and will undoubtedly police the premises in order to protect his license. We view this proposal as a fantastic social space, within the overall Chocolate Works development, which will allow residents to meet their neighbours/friends for a chat; to enjoy a drink and a bite to eat. I know several mature couples and single people (fellow residents/friends) who would definitely support this venture. I would urge the Licensing Authority to approve this application, with viable licensing hours, and allow the applicant to make the venture profitable and successful. The alternative is that should the application be refused, the premises are likely to remain vacant in the long term. This would be a missed opportunity to breathe new life into this beautiful listed building in one of the most important conservation areas in York.

Kind regards

Mob.

Help protect the environment! please don't print this email unless you really need to.

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

From:
Sent: 29 September 2022 22:12
To: licensing@york.gov.uk
Subject: Liquor Store, The Chocolate Works.

Categories:

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

I wish to comment and object to the times of opening of the Cafe/Deli/Wine Bar at the Liquor Store in the Application by Ebor Holdings.

This unit is within close proximity to my Town House property at Clock Tower Way and will affect our personal lifestyle if the present opening hours are approved

A daytime Cafe Deli operation was always a possibility and we understood this would be subject to a restaurant style license where food is obligatory. The License Applied for suggests that this will be a Pub style operation with extended evening hours and outside area. We understand the Music license has been withdrawn.

Also please note that there is already a shortage of visitor parking spaces on the development which will add to the problem.

Our privacy will suffer if the proposed Application is approved, please consider our quality of life and the environment that this could damage, We would not have purchased this property if this business plan had been operating.

Sincerely

Clock Tower Way

> To: licensing@york.gov.uk

> Subject: The liquor store , The Residence, Bishopthorpe Road.

>

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

>

> Dear Sirs. We live at the Residence and wish to support the licence to be granted to the deli/bar. It will provide a brilliant community meeting point for us all and also the care home staff will be able to access this facility in their so very well earned breaks.

> Also, the residents in the care home will enjoy be able to take advantage of being taken there as a welcome change of venue for them and their families.

> We understand the ethos of this type of bar and and it will not encourage drunken and loutish behaviour.

> I'd do hope you will grant this much needed licence for our immunity.

> Thank you. |

>

>

>

>

>

>

>

>

>

> This communication is from City of York Council.

>

> The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

>

> If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

>

> City of York Council disclaims any liability for action taken in reliance on the content of this communication.

>

> City of York Council respects your privacy. For more information on

> how we use your personal data, please visit

> <https://www.york.gov.uk/privacy>

From: M.
Sent: 30 September 2022 09:57
To: licensing@york.gov.uk
Subject: Conversion of liquor store at the Chocolate Works

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

To whom it may concern:

We live adjacent to the above (see address below) building which we were led to believe would be converted to a sedate day time cafe when we purchased our house a year ago. We now learn that it is to be much more than that and make the following comments.

- 1) Opening hours are excessive in a quiet residential neighbourhood. Disturbance from customers leaving the premises after 23.30 Monday to Thursday and 0030 Friday and Saturday is inevitable and these times need to be adjusted to significantly earlier times.
- 2) Live and recorded music will also significantly disturb the residents and should not be allowed.
- 3) Supply of alcohol from 0900 is far too early and an opportunity for abuse.

Additionally the impact of increased traffic and parking issues will prove problematic in a residential area of parking restrictions. The potential consequences of such a venue on Race days is clearly detrimental to the area.

.e

Clock Tower Way
York
YO23 1PP

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

From:
Sent: 30 September 2022 11:38
To: licensing@york.gov.uk
Cc:
Subject: Licensing Act 2003 - Application Ebor Holdings, Lower Ground Floor, Liquor Store, The Chocolate Works, York YO23 1DE

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

Date: 01/09/2022 Applicant: Ebor Holdings Limited Premises Address: Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, York YO23 1DE

Dear Sir/Madam,

On behalf of the Chocolate Works Residents Committee, names and addresses detailed below, we wish you to consider our objections to the opening hours detailed in the above application.

Given the proposed change of use from a cafe/deli to something more in the nature of a wine bar, we are concerned about the potential for noise nuisance and anti-social behaviour, particularly when customers would be leaving the premises, walking home, or waiting for taxis etc.

We suggest that the sale of alcohol, on and off the premises, be allowed only up to 10pm with closure at 10.30pm. We also suggest that the external seating areas should only be used up to 8pm, as per the condition in the approved planning application.

This relatively new residential development includes approx. 600 households, plus a care home, it is currently extremely quiet especially after 10pm when any slight noise can be noticed due to the architecture and planning of the scheme.

We are also concerned about the significant potential for anti-social behaviour on race days in this area, which is already a problem, with a new bar attracting post-racing drinkers and inviting anti-social behaviour.

Closing times for similar businesses in the locality are as follows, although none of these are located in such a quiet concentrated residential area, with those with a food offering being more in line with the closing times we have detailed above.

- 2 Many Wines Bar – Tue-Thu 10.30pm, Fri-Sat 11.30hpm and Sunday 7pm.
- Trinacria Restaurant – Wed-Sun 9pm
- Rice Style – Mon-Fri 9pm, Fri-Sat 10pm
- Angel on the Green – Mon-Tue 10pm, Wed-Thu 10.30pm and Fri-Sat 11pm (the outside seating is closed by 8pm)
- Winning Post Pub – Mon-Fri 11pm, Sat 12pm and Sunday 9pm
- Knavesmire Pub – Mon-Fri 11pm and Sunday 10.30pm (recently the landlord has commented they will close on Race days due to ASB).
- Melton's Restaurant – Tue-Sun 9.30pm

- Woodman Restaurant & Pub – Mon-Sat 10pm and Sunday 6pm.
- Balloon Feste – Finale end 10.15pm with car parks closed 10.30pm.
- Race day Music Events – 10.30pm

Many thanks

Kind regards

hair CWRA

Robert Street
York
YO23 1PS

Harlequin House,
Joseph Terry Grove
YO23 1FN

Medallion House,
Joseph Terry Grove,
York,
YO23 1FL

Clock Tower Way
York,
YO23 1PP

Carousel House,
Joseph Terry Grove
York.
YO23 1FJ.

Bayldon Square,
York
YO23 1PT

Clock Tower Way
York
YO23 1PP

From:
Sent: 30 September 2022 14:04
To: licensing@york.gov.uk
Subject: The Liquor Store; Premises Licence Application

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

Dear Sir/ Madam,

Having read the amended version of the application for the licence of The Liquor Store, and myself would like to confirm our support for it.

I think the proposed cafe and restaurant will be mainly used by local residents and there should be no issues regarding anti- social behaviour.

I think it will benefit/enhance the area.

Regards

The Residence

From:
Sent: 30 September 2022 18:25
To: licensing@york.gov.uk
Subject: Licensing Act 2003 - Application Ebor Holdings, Lower Ground Floor, Liquor Store, The Chocolate Works, York, YO23 1DE

Categories:

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

Date: 01/09/2022 Applicant: Ebor Holdings Limited Premises
Address: Lower Ground Floor, The Liquor Store, The Chocolate Works,
Bishopthorpe Road, York, YO23 1DE

Dear Sir/Madam

I wish to make the following objections to the licensing application for the new Liquor Store Cafe and Wine Bar received from Ebor Holdings.

The new Liquor Store Cafe and Wine Bar is situated in close proximity to a densely populated residential environment, being completely surrounded by The Residence, The Clock Tower, and the large residential development that is The Chocolate Works. The architecture and layout of these buildings is such that noises of any sort echo readily around the original source, and can easily be heard in nearby homes.

It is noted that the address of the new Liquor Store is 'The Chocolate Works' even though it is outside the delineation of the development. I understand that there will be parking spaces for 10 vehicles opposite The Residence, however I have great concerns that customers will abuse the visitor parking arrangements at The Chocolate Works, instead of using these facilities, causing further nuisance to people living on this development. Will this be addressed through signage at the entrance to The Residence from Bishopthorpe Road.

I note that the live and recorded music element of the original application has now been removed which is good news as I believe this would have created an unacceptable level of noise nuisance to the surrounding properties.

The change in use from a deli/cafe to a wine bar presents a significant concern for potential noise nuisance and anti-social behaviours from customers using the wine bar.

In view of the above concerns, I would suggest that the sale of alcohol on and off premises ceases at 10.00 pm with a closing time of 10.30 pm in view of the

proximity to, and the density of residences surrounding the Liquor Store. In addition, the use of the external seating area should close at 8.00 pm.

I would be grateful if you take my objections and concerns into consideration when reviewing this licensing application.

Yours sincerely,

~~1111111111~~
Clock Tower Way,
York
YO23 1PP

Sent from my iPad

From:
Sent: 01 October 2022 07:32
To: licensing@york.gov.uk
Subject: Objection: Licensing Application: Liquor Store (Lower Floor)

Categories:

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

Dear Sir/Madam,

I'm writing with respect to the licensing application filed by Mr. Ben Williams relating to the former Liquor Store building (lower floor) next to the Residence Building off Bishopthorpe Road in York. I wish to object in the strongest possible terms to the application for a license to serve alcohol on the premises (at any time) and also to the intent to host live music from the premises.

I own property . . . , The Residence, on the ground floor of the Residence, around 25 meters and within direct line of sight of the Liquor Store building. My property also has 2 allocated car parking spaces directly in front of it. I presently rent out the property but it is my intent to move in myself. So my objections are raised as both a landlord (also with concern for my present and future tenants) and also from my perspective as someone who will eventually live in very close to proximity to the Liquor Store building.

My grounds for objection are specifically based on:

- The noise that intoxicated customers are likely to bring to the area when leaving the building.
- The scope for vandalism to high value property and cars just meters away from the entrance.
- There is inadequate parking allocated to the Liquor Store (Lower floor) to support the flow of custom which may arise from a popular bar/bistro serving alcohol. My understanding is that the Liquor Store has 9 parking space allocated, However, the Lower Floor has just 3 parking spaces allocated. This will lead to parking spaces (such as my own) invariably being occupied by customers of the bar. There is no effective way to police this scenario. Customers will just park where they can. So much better to avoid the scenario completely.
- With respect to live music. The noise generated by not only a band but the audience are completely unacceptable within this established residential community.
- Impact of race days. The volume of people which visit the neighbouring race course is immense on race weekends. We already have the situation of some

drunken race goers using the address of the The Residence from which to order their Taxi after a long day of drinking.

It requires little imagination to comprehend the scope for anti-social behaviour that is certain to arise on race weekends should an alcohol serving establishment just around the corner be made available to race goers at the end of a race day.

- The above daily factors will inevitably have a negative effect on property prices and rents in the immediate area of the proposed licence. In short, the points above will make The Residence, Clock Tower and Chocolate Works developments less desirable places to live than they are today.

As a closing remark I'd like to express that some owners and residents have now waited 5 years for the former Terrys site development to complete. This has brought a lot of chaos for residents and we are now finally reaching a conclusion with all developments set to complete within 2023. The final piece of the jigsaw on this long journey is an acceptable operating scope for the Liquor Store Lower Floor. This space should first and foremost serve the needs of those that can walk or cycle to it. Any business plans (and dependent licensing) that require parking spaces which don't exist and which will create a negative impact on the local community should be rejected as a common sense measure in their entirety. However, a bistro/bakery/deli etc.

without an alcohol or live music license (at this location) would be an excellent asset for the local community.

Since regards,

Millfield Road
York YO23 1NH
Tel:

From: [redacted]
Sent: 02 October 2022 09:53
To: licensing@york.gov.uk
Subject: Application by Ebor Holdings Ltd - The Liquor Store YO23 1DE

Categories:

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

Leaseholder Resident Comment

Apt The Residence
Bishopthorpe Rd
YO23 1DQ
0

In general I welcome this application and the contribution it will make to an area which lacks facilities for social activities.

However I have lived in my apartment for the past 4 years with my main bedroom facing directly opposite the application premises on floor one. I would struggle with the late hour proposed for liquor sales either inside the building or for consumption elsewhere. In the past I have been well served by environmental health who helped to resolve an issue I had with regard to overly noisy machinery. I do hope they are aware of this application.

This is a residential area and also, given the architectural layout of the estate, is prone to sound transmissibility. I am not infrequently disturbed by excessive noise usually by people who have drunk too much and don't appreciate how their voices, conversations and on occasions arguments or upset travels in this area closely bound by high buildings. I would please ask you to curtail the later opening times so we can all live in peace together, enjoy this addition to the estate and welcome Ebor Holdings as a new and friendly neighbour. It is my absolute intention to make this venue a place I will frequent but please shut it down by 10.30.

I hope you will take this point of view into consideration.
Thank you.

From:
Sent: 02 October 2022 14:02
To: licensing@york.gov.uk
Subject: Licensing application.- Lower Ground Floor, The Liquor Store, The Residence, York

Categories:

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

Raising objection

This objection is made on three grounds: disturbance to the residential community; potential for antisocial behaviour; and an abuse of process.

Disturbance to the residential community: The Residence and The Chocolate Works have been carefully designed as a residential community, with oversight of YCC Planning Dept to ensure this was achieved. Had I bought my home next to a bar I would have done so with the knowledge I could be subject to noise from the premises, but I did not. I bought my home in a carefully designed residential area. The insertion of this licensed premises, offering late night activities, creates a very different environment.

The noise created by general chatter late at night is amplified by the architectural design, allowing noise to bounce off walls and rise up the building. It is easy on an evening to clearly hear conversation on balconies some 50m away.

Additional disturbance is likely from increased traffic in the form of taxis [and people waiting outside for them] and for local residents who can expect to lose access to their designated parking spaces as a consequence of the premises only having three parking spaces [upto 10 if other business share].

Potential for antisocial behaviour: There is no history of antisocial behaviour on this residential footprint, as there is nothing operating as a central focus. To approve such a license on the basis that there is no history of ASB, and then wait to see if it happens, would be both inappropriate and disrespectful of the existing residents.

Abuse of process: The original planning application was made for coffee house and delicatessen to operate in this space. This was approved with strict criteria, which included no late night opening - to avoid issues for residents, including young families no more than 10m from the property. Before this has been given chance to see if it works, we are subject to this application - a significant change of use. I do not object [in principle] to a licence, that would allow the originally proposed coffee house to serve alcohol, but on the original terms, not the late night terms proposed here.

Submitted with regards

The Residence
Bishopthorpe Road
York
YO23 1DQ

From:
Sent: 02 October 2022 15:53
To: licensing@york.gov.uk
Subject: License objection

Categories:

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

Ebor Holdings Limited. Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, York YO23 1DE

I strongly object to the license application for the above property which is change of use to a bar/restaurant, the sale of alcohol and the extended opening hours. Glad to see live/music has been removed from the application. Bare in mind my bedroom window is on the first floor opposite the liquor store, I work shifts including weekends as a train driver based at the Doncaster depot. On early shifts I'll be going to bed around 8pm for an alarm call of 3-4am depending of shift. Last thing I need and I'm sure the majority of others living in this quiet residential area is excessive noise and disturbance every night from and around the liquor store. Last night there was a private opening party at the liquor store, with live music, people drinking and hanging about outside talking loudly. The noise was awful as the sound bounces around the built up area which is amplified. They weren't considerate to the people living here. Luckily I didn't need an early night.

The owner should have been honest with their intentions for the building, they might of realised a business of this type would be better in the city centre. I moved to this area of York 5 years ago because of its peacefulness in the evenings. I hope this license application is rejected.

Kind regards, A

The Residence
Bishopthorpe Road
YO231DQ

Sent from my iPhone

From:
Sent: 02 October 2022 17:47
To: licensing@york.gov.uk
Subject: Licensing Act 2003 - Application Ebor Holdings, Lower Ground Floor, Liquor Store, The Chocolate Works, York, YO23 1DE

Categories:

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

- > Date: 01/09/2022 Applicant Ebor Holdings Limited Premises Address:
- > Lower Ground Floor, The Liquor Store, The Chocolate Works,
- > Bishopthorpe Road, York, YO23 1DE
- >
- > Dear Sir/Madam
- >
- > I am writing to express my concerns regarding the licensing application for the new Liquor Store Cafe and Wine Bar received from Ebor Holdings.
- >
- > I believe the licensing hours requested in the application are wholly inappropriate for these premises, located as they are in the heart of a peaceful, heavily populated purely residential area. With this in mind, and to reduce the potential for disturbance to close neighbours from noise and antisocial behaviour, I would propose a slight reduction in the permitted licensing hours, more in keeping with the location of the premises.

- > I would suggest that the sale of alcohol on and off premises ceases at 10.00 pm with a closing time of 10.30 pm. In addition, the use of the external seating area should close at 8.00 pm.
- >
- > I would be grateful if you could take my concerns into consideration when reviewing this licensing application.
- >
- > Yours sincerely,
- >
- >
- > Clock Tower Way,
- > York
- > YO23 1PP

Sent from my iPad

From:
Sent: 02 October 2022 20:35
To: licensing@york.gov.uk
Subject: Comments on Licensing Application for the Lower Ground Floor, The Liquor Store, The Chocolate Works, Bishopthorpe Road, York.

Categories:

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

Dear Sir/Madam,

I strongly disagree with the proposed licensing application for a cafe/deli/wine bar in the lower ground floor of the Liquor Store for the following reasons.

I live in one of 163 apartments situated opposite to the liquor store. The apartment block is set in a very peaceful and tranquil residential area with very little disturbance throughout the day and night.

A licensing application for the sale of alcohol on and off the premises, 7 days a week, from 9am to 11pm/midnight could impact dramatically on all the residents, including the wider community, but most particularly those, like myself, who are in very close proximity to the liquor store.

All those on the North side of the apartment block would be on the front-line and bear the brunt of the increase in vehicle noise and pedestrian traffic, arriving and leaving throughout the day and night.

The sale of alcohol throughout the day and night also brings with it the added potential for anti-social behaviour, threatening the safety of people and property.

Voices could be amplified by high spirits, fuelled by alcohol by those inside the building and leaving the building.

The clientele occupying the outside 12 seating spaces could generate a lot of noise.

As parking is limited, there is also the problem of illegal parking and the possibility of vehicle damage.

The saleability and appeal of the properties could be adversely affected.

To give up the peace and tranquility so far enjoyed is too high a price to pay in exchange for the serious problems that could result from this proposal.

Thank you for considering my objections.

Yours faithfully,

Apt
The Residence,

Bishopthorpe Road,
York,
YO23 1DQ

Planning Application Details

Applicant: Ebor Holdings Limited

Premises Address: Lower Ground Floor, The Liquor Store, The Chocolate Works,
Bishopthorpe Road, York YO23 1DE

To whom it may concern

I OBJECT to this application for the following reasons (this is not an exhaustive list):

1. Significant negative impact on our health as current residents and our quality of life
2. Significant negative impact on our financial situation and our property investment
3. Anti-social behaviour by visitors
4. Noise from the building when it is in use
5. Noise from taxis and other traffic generated by visitors
6. Problems with intense anti-social behaviour during race days
7. Problems related to parking, or the lack of it
8. Problems that may arise in the future, if the business is sold to another owner

Additional Details

This site is an extremely quiet residential development. Our building rules dictate a quiet time from 8am to 8pm. The vast majority of people living in The Residence are in their 50s and above, many of them being elderly. The people living just a few metres away from The Liquor Store have a young family, and most residents in the Chocolate Works are either young families, or older people. On the other side of The Liquor Store there is a care home for the elderly. On any given day, the site is so quiet that I can hear the conversations the elderly ladies on the ground floor are having from the third floor, if my window is open. On any given day, inside my apartment is so quiet that I can hear the TV or radio from the property above, or the occasional person walking through our corridor. This is my sanctuary. I am much younger than most of the residents, and I deliberately chose to buy a property here to live in exactly because it is so quiet. I have an extremely demanding job, so when I come at home at the end of the day I want it to be quiet – exactly as it is right now. Just like all the other owners who bought an apartment in this building (most of whom have bought a property here as their retirement home), I have invested thousands of pounds on this property exactly because it was within a residential area that is very quiet, very private, very clean, very strict with its house rules and very respectful of other people's peace of mind. This license will take away all that we are now able to enjoy: the still quietness, the birds chirping, the trees swaying in the breeze.

Ebor Holdings Ltd. (Ben Williams) claims that he wants to cater for the local residents first. If this was really his intention then he would have taken the time to ask the local residents: what is it that we need, what is it that we lack? Instead, he submitted an application without consulting us. If he had done his research he would have found that what we need is a pharmacy, a GP surgery, a post office, a supermarket, a dentist, an indoor gym. What this community needs is the basic services that currently we do not have. We do not need a pub in our doorstep. We do not need noise and traffic in our doorstep. The negative impact that this could have for people like me for whom our house is our quiet space would be absolutely, tremendously devastating. The negative impact that this business could have on reselling our properties in the future, would also be equally destructive.

It is true that there is a lot of disturbance at the moment due to the building works, but we know these will be finishing soon so we are being patient. However, having this kind of disturbance all the time, not being able to open your window to get fresh air or just listen to the wind, because there is too much noise down below would be absolutely heart-breaking.

I believe that our building managers and residents association have already submitted a petition signed by many of us objecting to this license. However, I thought it was important to send you a separate letter too, to explain a little more about the implications that such a license could have on me as a person, but also on our community as a whole.

Yours Sincerely,

Resident and Owner: Apart. The Residence, Bishopthorpe Road, YO231FF

City of York Council Licensing Services
Hazel Court Eco Depot
James Street
York
YO10 3DS

**PETITION AGAINST THE GRANTING OF A NEW PREMISES LICENCE FOR
EBOR HOLDINGS AT THE LIQUOR STORE YO23 1DE, DATED 01/09/2022**

Dear Sir/Madam,

Attached are several sheets of a petition signed by 52 residents of The Residence, Bishopthorpe Road, who object to the granting of the above licence and the proposed opening hours for a Café, Deli, Wine Bar, Restaurant in the old "Liquor Store" which is very close and opposite the main entrance to The Residence. There are many apartments directly opposite and very close to the proposed outlet. The objections, in brief, are as follows;

- a. This is a quiet and tranquil established residential area and is not an appropriate area for the introduction of a licenced premises.
- b. There will be an unacceptable and unavoidable amount of noise levels from the Bar/Restaurant when it is in use and during all deliveries.
- c. There will be an unacceptable and unavoidable amount of noise from taxis and other vehicles arriving and leaving and the noise of the customers, especially when arriving and leaving. There will also be an unacceptable increase in traffic.
- d. Parking; Spaces for Residents are already limited. There will be an inadequate number of parking spaces available for customers, so it is highly likely that private parking spaces will be indiscriminately used.
- e. Despite any verbal assurances from the current applicant regarding keeping noise levels and disruptions to a minimum, any Restaurant/Bar always has noise and associated disruptions. Once a licence has been granted there can be no such assurances from any future owners/landlords.
- f. There will be a potential for anti-social behaviour associated with licensed premises and a possible increase in crime in the area. Safety of the residents could be compromised.
- g. There is the potential for problems on race days with the increased volume of people attending and trying to gain access through the Residents' only gate.
- h. There are plenty of Cafes, Restaurants and Bars only a few minutes' walk away on Bishopthorpe Road. Another facility is not wanted nor needed at the Residence.

The residents/tenants of The Residence have purchased/rented their apartments to be in a quiet and peaceful environment. The granting of this application will only disrupt that peace with all the noise of people coming and going, the noise of music being played, the noise of eating and talking outside and the increased vehicle traffic. All 52 residents of The Residence who have signed this petition strongly object to the granting of the above application.

✗ Attached petition with 52 names/addresses.
not included due to personal details/signatures
✗

Map of area



© Crown copyright and database rights 2022 Ordnance Survey: 100020818

Date: 14 Sep 2022

Author: City of York Council

Scale: 1:2,500



This page is intentionally left blank

**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).

This page is intentionally left blank

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.

This page is intentionally left blank