

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Galvin and Looker

Date: Monday, 19 December 2022

Time: 2.00 pm

Venue: Remote Meeting

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

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

4. Exclusion of Press and Public

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

5. The Determination of an Application submitted by Andrew Robert Sparks for a Temporary Event Notice under Section 100 of the Licensing Act 2003 (as amended) in respect of The Priory, 103 Micklegate, York YO1 6LB (CYC-020329)

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**

Order of Proceedings at a Remote Hearing for a Temporary Event Notice (TEN)

Chair's introduction and opening comments

The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Relevant Persons (or their representatives), and establish the identity of all who will be taking part.

The Chair will outline the procedure to be followed.

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.

Relevant Person(s) (or representative) to make a statement and may call witnesses (15 minutes).

Questions to the Relevant Person(s) and witnesses by the Applicant, the Licensing Officer, Legal Adviser (5 mins each) and Members.

Applicant (or representative) to make a statement and may call witnesses (15 minutes).

Questions to Applicant and witnesses by Relevant Person(s), Licensing Officer, Legal Adviser (5 minutes each) and Members.

Summaries - Parties sum up (but not introduce new evidence) in the following order:-

- i. Licensing Officer
- ii. Relevant Person(s)
- iii. Applicant

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.

The Sub-Committee will retire to deliberate its decision in private with their Legal Adviser and the Democratic Services Officer present. This decision and the reasons for it will be communicated to the parties at the earliest opportunity.



Licensing Act 2003 Sub Committee**19 December 2022**

Report from the Director – Environment, Transport & Planning

Section 100 Licensing Act 2003, The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016 and the Police Reform and Social Responsibility Act 2011:

Submission of a Temporary Event Notice (TEN) for 103 Micklegate, York, YO1 6LB.

Summary

1. This report seeks Members determination of a Temporary Event Notice (TEN) submitted under the Licensing Act 2003 to authorise the sale by retail of alcohol for a two day event scheduled to take place on 12 & 13 February 2023.
2. Reference number: 020329
3. Name of premises user: Andrew Robert Spark
4. Type of authorisation applied for: Temporary Event Notice
5. Summary of application: The nature of the TEN is to allow for the sale by retail of alcohol in a public House for a live sporting event (Superbowl). The event is scheduled to take place in The Priory Public House, 103 Micklegate in York on 12 & 13 February 2023 from 23.30 hours until at 04.30 hours for an occupancy of 75 people. These timings are outside the existing premises licence permitted licensable hours which terminates at 01.00 hours.

Background

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 499.
7. The police and environmental protection officers (EPU) can object to a TEN on the grounds that it would undermine any of the four licensing objectives;
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
8. As a result of an objection conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence is attached at Annex 2.

Promotion of Licensing Objectives

11. There is no requirement for a premises user to indicate how the licensing objectives will be met and there is no provision on the TEN application form to allow for this information to be entered.

Special Policy Consideration

12. This premises is located within the special policy area.

Consultation

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.

14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

Summary of Objections

15. An objection to the TEN has been received from North Yorkshire Police on the grounds the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives will be undermined if the event is to take place. A copy of the objection is attached at Annex 3.

Options

16. By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
17. Option 1: Modify the terms of the TEN.
18. Option 2: Issue a counter notice refusing authorisation of the TEN.
19. Option 3: Choose not to issue a counter notice

Analysis

20. The following could be the result of any decision made this Sub Committee:-
21. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
22. Option 2: This decision could be appealed at Magistrates Court by the premises user.
23. Option 3: This decision could be appealed at Magistrates Court by the objector.

Council Plan

24. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
25. 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

29.

- **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 objectors.
- **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

26. 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.
27. 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

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

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**

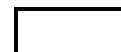


Date 8.12.2022

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 - Copy of TEN

Annex 2 - Copy of Premises Licence

Annex 3 – NYP Objection

Annex 4 – Legislation and Policy



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

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Spark		
Forenames	Andrew Robert		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
4. Your place of birth			
5. National Insurance Number	J		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
103 Micklegate			
Post town	York	Postcode	Y01 6LB
7. Other contact details			
Telephone numbers Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
The Priory 103 Micklegate York Y01 6LB	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	CYC 008981
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Public House	

Please describe the nature of the event below. (Please read note 5)
Live Sporting Event SuperBowl

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
12/02/23-13/02/23		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
23:30-04:30		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		
75		
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number	CYC 13093	
Date of issue		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

See details of Licensing Act 2003 statutory fees for temporary events notices:
www.york.gov.uk/LicensingAct2003StatutoryFees.

8. Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	04/12/22
Name of Person signing	Andrew Spark

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Notes for Guidance

General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 (subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction);
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

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.
- 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.
- 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.
- 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.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 008981

Postal address of premises:

103 Micklegate

Post town: **York**

Post code: **YO1 6LB**

Telephone number: 01904 653231

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Indoor sporting events
Live Music
Recorded Music
Late Night Refreshment
Supply of Alcohol

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

FILMS

Indoors

Monday 10:00-00:30	Tuesday 10:00-00:30	Wednesday 10:00-00:30	Thursday 10:00-00:30
Friday 10:00-01:30	Saturday 10:00-01:30	Sunday 11:00-00:30	

INDOOR SPORTING EVENTS

Monday 10:00-01:00	Tuesday 10:00-01:00	Wednesday 10:00-01:00	Thursday 10:00-01:00
Friday 10:00-02:00	Saturday 10:00-02:00	Sunday 11:00-01:00	

LIVE MUSIC

Indoors

Monday 10:00 - 01:00	Tuesday 10:00 - 01:00	Wednesday 10:00 - 01:00	Thursday 10:00 - 01:00
Friday 10:00 - 02:00	Saturday 10:00 - 02:00	Sunday 11:00 - 01:00	

LATE NIGHT REFRESHMENT

Indoors

Monday 10:00-01:15	Tuesday 10:00-01:15	Wednesday 10:00-01:15	Thursday 10:00-01:15
Friday 10:00-02:15	Saturday 10:00-02:15	Sunday 11:00-01:15	

SUPPLY OF ALCOHOL

Monday 10:00-01:00	Tuesday 10:00-01:00	Wednesday 10:00-01:00	Thursday 10:00-01:00
Friday 10:00-02:00	Saturday 10:00-02:00	Sunday 11:00-01:00	

Non Standard Timings for Films, Indoor Sporting Events, Live Music, Late Night Refreshment and Supply of Alcohol:

A further additional hour to the finish time on the following days; Bank Holiday Sundays, Christmas Eve, Boxing Day, St David's Day and St Patrick's Day.

On commencement of British Summer Time one hour should be added to the finish time.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The Opening Hours of the Premises

Monday 10:00-01:30	Tuesday 10:00-01:30	Wednesday 10:00-01:30	Thursday 10:00-01:30
Friday 10:00-02:30	Saturday 10:00-02:30	Sunday 11:00-01:30	

Non Standard Timings:

A further additional hour to the finish time on the following days; Bank Holiday Sundays, Christmas Eve, Boxing Day, St David's Day and St Patrick's Day.

On commencement of British Summer Time one hour should be added to the finish time.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

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

On and off the premises

Part 2

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

Name: Milton Portfolio Op Co 3 Limited

Address: Fourth Floor
22 Baker Street
London
W1U 3BW

Telephone number: None

Email address: None

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

11047093

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

Name: Mr Andrew Robert Spark

Address:

Telephone number: None

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

City of York Council
CYC - 013093

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

(1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence -
(a) at a time where there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(4) - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(4) - (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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(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 (other than any promotion

or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

(5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

(6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(7) - (1) The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(7) - (2) 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 a holographic mark.

(8) The responsible person shall 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: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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

(3) Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

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

MANDATORY CONDITION: DOOR SUPERVISION

(1) In accordance with section 21 of the Licensing Act 2003 (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.

Embedded Restrictions

Recorded Music

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. Managers operate under the direction and procedures of the company.
2. A corporate approach to risk assessment is undertaken.
3. Staff will be trained in the standards required by the relevant legislation and as required by company policy.

Prevention of Crime & Disorder

4. The company will monitor the need for door supervisors and in so doing will take into account any advice given by the police.

5. The manager is required to actively participate in and support the local Pubwatch scheme where existing.
6. Text and/or radio pagers, where already used will be used for any additional hours.
7. Toughened glass will be used on the premises.
8. Where existing, CCTV will operate during trading hours.
9. In line with the company's Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.

Public Safety

10. Health and safety policies and practices are in place.
11. An internal health and safety due diligence and incident reporting system is in place.

Public Nuisance

12. Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.
13. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with the company's Role in the Community Guidelines.
14. Live music hereby permitted shall be restricted to Karaoke performances only.
15. Windows shall remain closed during Karaoke performances.
16. During Karaoke performances the inner lobby door facing onto Micklegate shall be kept closed after 21:00, with the exception of ingress and egress.
17. Documented patrols shall be carried out by members of staff at no less than hourly intervals after 21:00 whilst Karaoke performances take place. These patrols shall be undertaken outside the building on Micklegate to check for noise coming from inside the premises. The written record of such patrols shall be retained for a minimum of 2 Months and available for inspection by officers of the local authority or police at all reasonable time

Protection of Children from Harm

18. The law will be observed at all times to ensure that alcohol is not served to people who are under 18 years of age.
19. Managers and staff are briefed in the importance of their responsibilities in ensuring that customers are over 18.
20. No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises.
21. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area).

22. Staff are not allowed to be in sole supervision of children which remains the responsibility of the accompanying adult at all times.

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

1. All sales of alcohol shall cease 30 minutes before closing on each and every day.
2. Films shall cease 60 minutes before closing on each and every day.
3. Indoor sporting events shall cease 30 minutes before closing on each and every day.

4. Late night refreshment shall be supplied indoors only and shall cease 15 minutes before closing on each and every day.
5. All off sales shall be made in sealed containers. This does not apply to the external drinking area.
6. All external drinking areas shall be cleared, cleaned and vacated by 23:30 hours on each and every day.
7. A customer dispersal policy shall be agreed in writing with the City of York Council Environmental Protection Unit, and shall be in place prior to this licence coming into effect.
8. The external gate which exits onto Priory Street from the beer garden shall be used as an emergency exit only, with no public access to the premises.
9. The emptying of bottles into the external bins shall be restricted from 09:00 hours to 22:00 hours on each and every day.
10. All external doors and windows shall be closed by 23:00 hours on each and every day.

Annex 4 – Approved Plan

Plan Number 5892/180483/190

For and on behalf of
The Director of Economy & Place

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Date: 07/09/2005
05/08/2020 (Amendment)

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



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 008981

Postal address of premises:

103 Micklegate

Post town: York

Post code: **YO1 6LB**

Telephone number: 01904 653231

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Indoor sporting events
Live Music
Recorded Music
Late Night Refreshment
Supply of Alcohol

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

FILMS
Indoors

Monday
10:00-00:30

Tuesday
10:00-00:30

Wednesday
10:00-00:30

Thursday
10:00-00:30

Friday
10:00-01:30

Saturday
10:00-01:30

Sunday
11:00-00:30

INDOOR SPORTING EVENTS

Monday 10:00-01:00	Tuesday 10:00-01:00	Wednesday 10:00-01:00	Thursday 10:00-01:00
Friday 10:00-02:00	Saturday 10:00-02:00	Sunday 11:00-01:00	

LIVE MUSIC
Indoors

Monday 10:00 - 01:00	Tuesday 10:00 - 01:00	Wednesday 10:00 - 01:00	Thursday 10:00 - 01:00
Friday 10:00 - 02:00	Saturday 10:00 - 02:00	Sunday 11:00 - 01:00	

LATE NIGHT REFRESHMENT
Indoors

Monday 10:00-01:15	Tuesday 10:00-01:15	Wednesday 10:00-01:15	Thursday 10:00-01:15
Friday 10:00-02:15	Saturday 10:00-02:15	Sunday 11:00-01:15	

SUPPLY OF ALCOHOL

Monday 10:00-01:00	Tuesday 10:00-01:00	Wednesday 10:00-01:00	Thursday 10:00-01:00
Friday 10:00-02:00	Saturday 10:00-02:00	Sunday 11:00-01:00	

Non Standard Timings for Films, Indoor Sporting Events, Live Music, Late Night Refreshment and Supply of Alcohol:

A further additional hour to the finish time on the following days; Bank Holiday Sundays, Christmas Eve, Boxing Day, St David's Day and St Patrick's Day.

On commencement of British Summer Time one hour should be added to the finish time.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Recorded Music

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

The Opening Hours of the Premises

Monday 10:00-01:30	Tuesday 10:00-01:30	Wednesday 10:00-01:30	Thursday 10:00-01:30
Friday 10:00-02:30	Saturday 10:00-02:30	Sunday 11:00-01:30	

Non Standard Timings:

A further additional hour to the finish time on the following days; Bank Holiday Sundays, Christmas Eve, Boxing Day, St David's Day and St Patrick's Day.

On commencement of British Summer Time one hour should be added to the finish time.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

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

On and off the premises

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

Name: Milton Portfolio Op Co 3 Limited
Address: Fourth Floor
22 Baker Street
London
W1U 3BW

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

11047093

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

Mr Andrew Robert Spark

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

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.

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.

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.

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).

The law will be observed at all times to ensure that alcohol is not served to people who are under 18 years of age.

Managers and staff are briefed in the importance of their responsibilities in ensuring that customers are over 18.

No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises.

Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area).

Staff are not allowed to be in sole supervision of children which remains the responsibility of the accompanying adult at all times.

For and on behalf of
The Director of Economy & Place

Date: 07/09/2005
05/08/2020 (Amendment)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

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



Our Ref: NYP/133/ The Priory 103 Micklegate York YO1 6LB

Email: NYPLicensing@northyorkshire.pnn.police.uk

Address: Licensing Services
Hazel Court
EcoDepot
York
YO10 3DS

Date: 7th December 2022

Notice of Objection

**Temporary Event Notice for
The Priory 103 Micklegate York**

Dear Licensing Authority,

I acknowledge receipt of the Temporary Event Notice (TEN) submitted by Mr Andrew Sparks, for The Priory 103 Micklegate York, received by North Yorkshire Police on 5th December 2022 and which relates to licensable activities at, The Priory 103 Micklegate York between the following times:-

- 12/02/23 2330hrs – 0430hrs 13/02/23

The purpose of this letter is to serve notice on you under Section 104(2) Licensing Act 2003 of my objection to Mr Sparks Temporary Event Notice.

I believe that granting the TEN would undermine the following licensing objectives:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety

The reasons for my objection are outlined below:-

The Priory Public House is located in York's Cumulative Impact Area, identified as such due to the concentration of licensed premises and the alcohol fuelled Crime and disorder and Anti-social behaviour already experienced in the vicinity. It is imperative that licensed premises within this area have robust operating conditions to ensure the promotion of all 4 licensing objectives.

The Priory Public House does have an existing Premises Licence, issued under CYC-008981, with the Premise Licence Holder being Milton Portfolio Op Co 3 Limited. The licence alongside

mandatory licensing conditions has 22 additional conditions issued at Annex 2 and at Annex 3 following a hearing 10 additional conditions were attached to the Premises Licence. A copy of the Premise Licence is attached with this objection.

The applicant has chosen to apply for a TEN for their event (Superbowl) starting at 2330hrs (despite the Premise Licence authorising Licensable activities until 0100hrs) and to finish at 0430hrs. As such if this TEN were to be granted, then both the mandatory and additional conditions on the licence would not have to be adhered to allowing the premises to operate in which ever way it wanted with no consequences. North Yorkshire Police would not support the premises operating in the Cumulative Impact area with no conditions whatsoever.

On Wednesday 7th December 2022 PS Booth did contact the applicant Mr Spark by phone to discuss the event and if SIA door staff would be employed for the duration of the event. The Premises does have a condition on the licence as follows:-

"4. The company will monitor the need for door supervisors and in so doing will take into account any advice given by the police."

However as stated due to this being a TEN this condition does not have to be adhered to and Mr Sparks stated he would not be employing SIA staff. When asked what measures he would implement given he is in the Cumulative Impact Area, to ensure the promotion of the Licensing objectives he stated that once he reached capacity numbers of 75 persons (listed on the TEN) he stated he would close the door to the venue.

PS Booth stated in the absence of any premise licence conditions and no SIA on duty at the Premises for the event, in an area that already experienced alcohol fuelled disorder she had not been offered any assurances that measures would be in place to mitigate risks and promote the Licensing Objectives.

North Yorkshire Police strongly believe that if licensable activities were to be permitted under a Temporary Event Notice for an event that will be advertised on social media without control measures in place in the Cumulative Impact Zone with no mandatory or operating conditions, the licensing objectives of The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance would be undermined. Consequently, North Yorkshire Police do not support this Temporary Event Notice.

The following documents are attached to this letter:-

Appendix A –Premises Licence the Priory

Yours Sincerely,

Jackie

PS133 Booth
Licensing Manager
Partnership Hub
Tel 101 Ext 30133
Mobile: 07710977979
Email:- Jacqueline.booth@northyorkshire.police.uk

Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: Section 4 General Duties of Licensing Authorities; Sections 104 to 106 Objections.
2. The following provisions of the Police Reform and Social Responsibility Act 2011 which amended the Licensing Act 2003 apply to this application; Part 2 Licensing, Chapter 1 Amendments of the Licensing Act 2003, Temporary Event Notices.
3. The following provisions of Regulation 2918, Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005: Submission of a Temporary Event Notice (TEN as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016;
4. The following provisions of the Secretary of State's guidance apply to this application: Chapter 2 The Licensing Objectives, Chapter 3 Licensable Activities and Chapter 7 Temporary Event Notices (TENs).
5. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.2 General Principles for Determination of Applications; 12 Temporary Event Notices (TENs).
6. 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.
7. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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