
Licensing Act 2003 Sub Committee

17 October 2022

Report from the Director – Environment, Transport & Planning

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

Summary

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

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

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

Background

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

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

Promotion of Licensing Objectives

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

11. General

- a. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
 - retail sale of alcohol
 - age verification policy
 - conditions attached to the premises licence
 - permitted licensable activities
 - the licensing objectives
 - opening times for the venue

with such records being kept for a minimum of one year. (For the avoidance of doubt the one-year period relates to each entry in the log book and runs from the date of the particular entry.)

12. The Prevention of Crime and Disorder

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

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

- c. A minimum of 210 seats will be available for customers.
- d. Customers shall not be permitted to take drinks outside the premises or away from any external areas licensed by way of tables and chairs permission, with the exception of sealed off-sales.
- e. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- f. The CCTV equipment shall have constant time /date generation which must be checked on a daily basis for accuracy.
- g. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises and entrances / exits and outside designated smoking areas (excluding toilets).
- h. The CCTV system recordings must be kept for a minimum of 28 days.
- i. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
- j. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
- k. All CCTV recordings will have sufficient clarity / quality / definition to allow facial recognition.
- l. Where door supervisors are on duty they shall sign in and out of the premises logbook, providing full details of their name and SIA number.
- m. The premises shall possess and use the local nighttime economy radio system (where this system is in operation). The radio shall be turned on and used by staff at the premises at all times the venue is open for licensable activities.

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

13. Public Safety

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

14. The Prevention of Public Nuisance

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

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

15. The Protection of Children from Harm

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

Special Policy Consideration

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

Consultation

17. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
18. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

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

Summary of Representations made by Other Parties

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

22. The mandatory conditions that will be attached to this licence if granted can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

Options

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

Analysis

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

Council Plan

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

Implications

37.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

38. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.

39. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

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

Contact Details

Author:

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Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

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**Report
Approved**

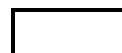


Date
26.09.2022

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

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