

## Hollis, Kimberley

---

**From:** Piers Warne <Piers.Warne@TLTsolicitors.com>  
**Sent:** 11 October 2022 16:00  
**To:** Hollis, Kimberley  
**Cc:** licensing@york.gov.uk  
**Subject:** RE: Fawkes and The Tiger, York

**Importance:** High

Dear Kim

Many thanks for your email and I understand your position. My client has simply been looking at ways of firming up hours for substantial food in a way that give you comfort that for the majority of trading times the premise must have substantial food available. We do not think that opening a kitchen at midday (latest) and closing it at 9pm (earliest) does away with this. Indeed, if the premises were to choose to open at midday and then close at 10pm or 10.30pm in order to save costs, then you would actually have a requirement for substantial food for a longer proportion of trading than by reference to 2 or 3 hours from opening or closing.

We are currently looking at your proposal on challenge 25. As a matter of course, I would suggest that nationally, challenge 21 is just a popular and just as effective as challenge 25- in fact for some premises that do not attract younger customers because of the nature of the premises and price point of products- such as this one- Challenge 25 can indeed become more of a challenge to operate. Each premises is different and I would expect premises that habitually attract younger people to have different training and more robust systems than those that do not. Likewise, the whole premise of the licensing act is to treat each application on its merits and apply the rules accordingly.

Where a new entrant to a market has no experience or trading history, I might agree with you on both of the above, but where an operator has a significant track record of operating in the city without incident and without having challenge 25- or indeed requirements to serve food in all premises- I suggest that operator should be allowed their head a little more and be trusted to know what they are doing.

Currently, trading conditions are severe and I'm afraid you are going to see a lot of food led venues, in particular go to the wall. Some of these will be precisely because of the kind of condition you are requesting where there is no flexibility and they are compelled to open kitchens and pay for staff when there is no financial justification.

That being said, thank you for engaging with us on this matter. Whilst it is disappointing for all parties that we have not been able to get to a final agreement, at least we have narrowed down the issues for the licensing committee.

I suggest that we send the licensing sub-committee a single sheet of paper with both our proposed conditions on it so that they can see where we have got to and indeed then consider them side by side.

Kind regards

Piers

Piers Warne  
Legal Director  
for TLT LLP  
D: +44 (0) 333 00 60692  
M: +44 (0) 7585 961 459  
F: +44 (0) 333 00 61492  
[www.tlt.com](http://www.tlt.com)

Regulations have been passed that extend the automatic entitlement for licensed premises in England and Wales (save in exceptional circumstances) to benefit from an off sales permission (originally brought in as part of the Government's response to the coronavirus pandemic) through to the end of September 2023.

A link to the Regulations can be found [here](#)

The Men's Football World Cup 2022 takes place in Qatar from 20 November 2022 to the 18 December 2022 Are your premises World Cup Ready?

Contact us for licensing advice and assistance in planning for this Festival of Football, match schedule here...[2022fwc qatar match schedule v34b 11082022 EN international use \(fifa.com\)](#)

---

**From:** Hollis, Kimberley <Kimberley.Hollis@northyorkshire.police.uk>  
**Sent:** 11 October 2022 15:33  
**To:** Piers Warne <Piers.Warne@TLTsolicitors.com>  
**Subject:** RE: Fawkes and The Tiger, York

Good Afternoon Piers,

Sorry I wasn't able to get back to you yesterday on this.

I've taken a look at this condition below and spoken with my supervision about this also to ensure fairness. The condition seems to actually reduce the time a food menu is available by now saying from 1200 noon until 2100hrs. The applicant has asked for sale of alcohol from 0800-0000hrs so this would mean no need for a menu from 0800-1200 noon then again from 2100hrs until midnight or close.

I can't agree to that as I am looking to firm up a 'food led' condition to ensure the venue is not drink led. This condition again does not state the venue shall be food led which really is the important point for me.

With regards to Challenge 25, as I stated before this is considered to be a more substantial verification check that challenge 21 and is adopted in the City at most venues. I cannot understand what the implications are for staff training as it is just asking staff to ensure if they look under 25 to do the check rather than if they look under 21. I have not had an applicant not welcome the condition before as it helps to protect the staff as much as the customer. Each licence will be different so no staff training would ever be exactly the same across multiple venues and unless the staff swap between venues regularly there should be no confusion.

I am sorry that the applicant doesn't feel they can mediate to the terms I proposed but I cannot change my position without the concerns over the venue not being food led being suitably addressed.

Kind Regards,  
Kim

**PC 1671 Kim HOLLIS**  
**Alcohol Licensing Officer (York)**  
**Partnership Hub**  
**North Yorkshire Police**  
**Mobile 07802 385220**  
**Tel: 101**

**'Committed to the Code of Ethics'**



**I Support the  
Hidden Disabilities  
Sunflower Scheme**

---

**From:** Piers Warne <[Piers.Warne@TLTsolicitors.com](mailto:Piers.Warne@TLTsolicitors.com)>  
**Sent:** 10 October 2022 12:36  
**To:** Hollis, Kimberley <[Kimberley.Hollis@northyorkshire.police.uk](mailto:Kimberley.Hollis@northyorkshire.police.uk)>  
**Subject:** RE: Fawkes and The Tiger, York  
**Importance:** High

Dear Kim

Many thanks for your email. I have taken instructions and we still have concerns about the wording of you condition in relation to the operation of the premises.

Would you be happier with a condition that set the times that substantial food must be available? We have in mind replacing the proposed condition 2 with:

2. As a minimum, 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 between midday and 21:00 hours each day.

In relation to the challenge policy, we are looking at the likely issues in agreeing to your proposal- including costs of amending training program and whether technically licences would need to be changed if they specify there must be a challenge 21 policy in place. We will come back to you on this.

If you could let me have your thoughts in relation to the above amended version of condition 2, that would be great.

Kind regards

Piers

Piers Warne  
Legal Director  
for TLT LLP  
D: +44 (0) 333 00 60692  
M: +44 (0) 7585 961 459  
F: +44 (0) 333 00 61492  
[www.tlt.com](http://www.tlt.com)

Regulations have been passed that extend the automatic entitlement for licensed premises in England and Wales (save in exceptional circumstances) to benefit from an off sales permission (originally brought in as part of the Government's response to the coronavirus pandemic) through to the end of September 2023.

A link to the Regulations can be found [here](#)

The Men's Football World Cup 2022 takes place in Qatar from 20 November 2022 to the 18 December 2022 Are your premises World Cup Ready?

Contact us for licensing advice and assistance in planning for this Festival of Football, match schedule here...[2022fwc\\_qatar\\_match\\_schedule\\_v34b\\_11082022\\_EN\\_international\\_use\(fifa.com\)](#)

**TLT. For what comes next.**

**Keep up to date with our latest [insights and events](#)**

**Please consider the environment before printing this email.**

Please be aware of the increase in cybercrime and fraud.  
TLT will not send you information about changes to bank account details by email.  
If you receive an email purporting to be from someone at TLT advising you of a change to bank account details it is not genuine. Do not reply to the email or act on any information it may contain. Instead please contact the person dealing with your matter immediately.

TLT accepts no responsibility if you transfer money to a bank account which is not ours.  
Please note we do not accept service by email.

The information in this email is confidential and may be privileged. It is for use by the addressee only. If you are not the addressee or if this email is sent to you in error, please let us know by return and delete the email from your computer. You may not copy it, use its contents or disclose them to another person. No liability is accepted for viruses and it is your responsibility to scan any attachments. TLT LLP, and TLT NI LLP (a separate practice in Northern Ireland) operate under the TLT brand and are together known as 'TLT'. Any reference in this communication or its attachments to 'TLT' is to be construed as a reference to the TLT entity based in the jurisdiction where the advice is being given. TLT LLP is a limited liability partnership registered in England & Wales number OC308658 whose registered office is at One Redcliff Street, Bristol, BS1 6TP. TLT LLP is authorised and regulated by the Solicitors Regulation Authority under ID 406297. In Scotland TLT LLP is a multi national practice regulated by the Law Society of Scotland. TLT (NI) LLP is a limited liability partnership registered in Northern Ireland under ref NC000856 whose registered office is at River House, 48 - 60 High Street, Belfast, BT1 2BE. TLT (NI) LLP is regulated by the Law Society of Northern Ireland under ref 9330.

TLT LLP and TLT (NI) LLP are recognised as Data Controllers under data protection legislation. If you would like to find out more about how we use personal data and your rights in relation to your personal data please see read our [privacy notice](#) which is available on our website.

TLT LLP is authorised and regulated by the Financial Conduct Authority under reference number FRN 780419. TLT (NI) LLP is authorised and regulated by the Financial Conduct Authority under reference number 807372. Details of our FCA permissions can be found on the Financial Services Register at <https://register.fca.org.uk>