

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Mason and Smalley

Date: Monday, 11 September 2023

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

PROCEDURE FOR LICENSING HEARINGS (PUBLIC PARTICIPATION PROTOCOL)

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 and co-opted 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

4. Exclusion of Press and Public

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

5. Minutes

To approve and sign the minutes of the Licensing Hearings held on 19 July 2023, 24 July 2023, and 8 August 2023.

6. The Determination of an Application by Roxy Leisure Ltd for A Premises Licence [Section 18(3) (a)] in respect of Roxy Ballroom, Stonebow House, The Stonebow, York, YO1 7NP (CYC-073339).

Democracy Officer:

Margo Budreviciute

Telephone No – 01904 551088

Email – margo.budreviciute@york.gov.uk

For more information about any of the following, please contact the Democracy 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 (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination

or disposal of any Appeal. The live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. The Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
7. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.
8. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.
11. The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the

application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
13. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. All paperwork relevant to the hearing will be published online on the Council's website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

16. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
17. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
18. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
19. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

23. The Chair will outline the procedure to be followed.

24. The Chair will proceed with the order of business on the agenda.

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

27. The Chair will invite the Applicant and/or their representative to address the Sub-Committee, present information in support of the application and call any witnesses to support their application, one witness at a time [*maximum 15 minutes*].

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case [*maximum 5 minutes each party*] in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members 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.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	19 July 2023
Present	Councillors Kent, Melly and Ravilious

12. Chair

Resolved: That Cllr Melly be elected to act as Chair of the hearing.

13. Introductions

The Chair introduced the Sub-Committee Members, the Legal Adviser and the Solicitor shadowing her, the Democratic Services officer, the Senior Licensing Officer and the Applicants, Ms Winlow and Mr Darbyshire

14. Declarations of Interest

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

15. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

16. Minutes

Resolved: That the minutes of the Licensing Hearings held on 12 June 2023 and 22 June 2023 be approved, and signed by the Chair at a future date.

**17. The Determination of a Section 18(3)(a) Application by Sara Winlow and Robert Darbyshire for a Premises Licence
Section 18(3)(a) Application in respect of 75 Balmoral Terrace, York, YO23 1HR (CYC-073025)**

Members considered an application by Sara Winlow and Robert Darbyshire for a premises licence in respect of 75 Balmoral Terrace, York YO23 1HR.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it including the written representation received from a local resident.
3. The Licensing Manager's report and the comments of the Senior Licensing Officer at the Hearing.

The Senior Licensing Officer outlined the report and the annexes, confirming that the premises were not in the Cumulative Impact Area and that the Applicants had carried out the consultation process correctly. She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with North Yorkshire Police, as set out in Annex 3. She also drew attention to the representation, at Annex 5. Finally, she advised the sub-committee of the options open to them in determining the application.

In response to questions from the Sub-Committee, the Senior Licensing Officer confirmed that:

- sale of alcohol off the premises meant the sale of alcohol for consumption off the premises;
- the external yard was not included in the licence application;
- the conditions agreed with the police included a condition that any off sales must be in sealed containers.

4. The representations made by the Applicants.

Ms Winlow expressed her thanks to everyone who had shown their support for the application, including the local community, in the context of recent difficulties in her personal life and in the business environment which had delayed the opening of the café. She stated that the consultation process had been carried out fully and completely. The Applicants had engaged with the local community and spoken to residents and businesses to reassure them of their intentions. The premises would operate primarily as a florist in the daytime and had been noted by the police licensing officer as being a very low risk. Local residents were excited about this unique addition to the area.

Ms Winlow went on to say that, although the application was for the supply of alcohol between 12:00 and 22:00 hrs, there was no intention to be open until late every day. The purpose of the application was to vary and extend their offering, and they expected actual sales to be very low. The aim was to allow people to meet for a coffee and / or food and to offer a comfortable and safe space with a duty of care to customers and neighbours. The premises would also provide a resting opportunity, helping to make York more 'walkable', and would promote the many other small businesses in the area. The sale of alcohol would support the floristry and workshop side of the business and would be based on a sustainable model, with locally sourced drinks from Brew York, York Gin and others. It was now normal for cafés to offer alcoholic drinks in the continental manner, in modest quantities that supported moderate drinking. The café could only seat 8 and there would be no outdoor seating, so people were unlikely to gather outside. They had assured neighbours that daytime noise would be kept to a minimum, and had

agreed with the police a condition to keep all doors and windows shut after 9pm daily.

With regard to the representation, Ms Winlow stated that this had been made by someone who had chosen to purchase a property next to a social club. The application would not affect the Representor's children. The Applicants did not want a scary environment for their own young child. The proposed opening hours were intended to provide for future endeavours in the form of small private functions, similar to the provision at Hallow Mallow. The operation was not a bar, and in their letter to the Representor the Applicants had objected to it being called as such. The application for off sales was to support the sale of gifts and flowers and sales would be controlled and monitored for safety. The Applicants had gone to great lengths to ensure that the premises were covered by CCTV, and they would operate a Challenge 25 policy. They had the full support of neighbours with young children. The Representor's main concern was the idea that the license would be sold on with the business, but the police had said that [a new owner] would need to apply for any change. The Applicants had addressed all the Representor's concerns and just wanted the chance of a feasible future for the business.

In response to questions from the Sub-Committee, the Applicants confirmed that:

- the total number of covers in the café was 8;
- the bar area was for people to place orders, which would then be brought to the tables;
- there would also be a large table for floristry activities;
- there would be background music only, as the idea was for people to socialise and make connections;
- the yard area would be used for storage, recycling and composting only.

The Applicants were given the opportunity to sum up. Ms Winlow said she had nothing further to add. Mr Darbyshire stated that he had worked for a long time in bars and restaurants and had a history of providing a duty of care, safe operating and nice environments.

A point of clarification was sought by the Legal Adviser to the Sub-Committee regarding the consequences of any sale of the business. The Senior Licensing Officer confirmed that:

- unless the licence was surrendered it would be transferred with the same conditions to the purchaser, with no need to make a new application;
- a separate application would be required to appoint the new Designated Premises Supervisor (DPS), who would hold a personal licence; this would involve consultation with the police on the suitability of the proposed DPS.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was **rejected**.

Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. This option was **approved**.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.

Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted for the following activities and timings with

modified / additional conditions imposed by the Sub-Committee as set out below:

Activity	Timings
Supply of alcohol - on and off the premises	12 noon until 22:30 every day
Opening hours	08:30 until 22:30

The conditions agreed between the Applicants and North Yorkshire Police numbered 1 to 9 inclusive set out in Annex 3 of the Agenda shall be added to the licence.

The licence is also subject to the mandatory conditions applicable to licensed premises.

- Reasons:
- (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.
 - (ii) The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies.
 - (iii) The Sub-Committee noted that this was a new licence application and was very conscious of the premises’ location in a residential area in close proximity to local residences. The Sub-Committee carefully considered the concerns raised by the local resident who had made a representations in writing relating to the impact the premises would have on the licensing objectives, in particular concerns about noise disturbance from the premises and the impact of the premises on children and on race days.
 - (iv) Sub-Committee noted that the Police, who are the Licensing Authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective, had agreed with the applicant a number of additional conditions to be

added to the grant of a licence. The Sub-Committee considered the fact that the Police did not object to the application (subject to the imposition of agreed conditions) carried great weight.

(v) It noted that there were no representations from any other Responsible Authority.

(vi) Whilst the Sub-Committee acknowledged the concerns expressed by the local resident, it also considered the nature of the proposed activities, noting that the establishment was intended to primarily operate as a flower shop with a small scale café offering and not as a vertical drinking establishment. The Sub-Committee was reassured by the evidence given by the Applicants, their responsible attitude towards the promotion of the licensing objectives and that they had agreed with the Police to the addition of a number of conditions to be added to the grant of a licence.

(vii) From the submissions made by the Applicants, the Sub-Committee had a high level of confidence that the premises would be operated responsibly. It did not find any evidence to justify a refusal of the application and given the nature of the proposed operation it was felt that further conditions would not be necessary in order to promote the licensing objectives.

(viii) Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee to grant the licence subject to the additional conditions agreed with the Police was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr R Melly, Chair

[The meeting started at 10.03 am and finished at 10.40 am].

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Meeting	Licensing/Gambling Hearing
Date	24 July 2023
Present	Councillors Cuthbertson, Nicholls and Widdowson

18. Chair

Resolved: That Cllr Widdowson be elected to act as Chair of the hearing.

19. Introductions

The Chair invited those present to introduce themselves; the Sub-Committee Members, the Legal Adviser and the Solicitor shadowing her, the Democratic Services officer, the Licensing Manager and the Applicant, Mr Arvind Mamgain.

20. Declarations of Interest

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

21. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

22. The Determination of a Section 18(3)(a) Application by MasalaCraft R&B Ltd. for a Premises Licence in respect of 72 Walmgate, York, YO1 9TL (CYC-073049)

Members considered an application by MasalaCraft R&B Ltd. for a premises licence in respect of 72 Walmgate, York YO1 9TL.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the hearing:

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it including the written representation received from a local resident.
3. The Licensing Manager's report and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, confirming that the premises were not in the Cumulative Impact Area and that the Applicant had carried out the consultation process correctly. She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with the police, as set out in Annex 3. She drew attention to the representation made by one other person, at Annex 5, and to the additional information from the Applicant published in the Agenda Supplement. Finally, she advised the sub-committee of the options open to them in determining the application.

In response to a question from the Chair, the Legal Adviser clarified that further additional information from the Applicant had since been circulated to the panel and the

Licensing Manager; this would be published online after the hearing.

In response to questions from the sub-committee, the Licensing Manager stated that:

- The seating and service area was located at the front of the premises.
- Questions on the location of the takeaway area should be directed to the Applicant, as the plan attached to the printed version of the agenda papers was unclear.

4. The representations made by the Applicant.

The Applicant stated that this was the first time he had taken on a premises that did not have a licence. His restaurant Masala Craft on King Street, which he had been running for 8 years, had received an 'excellent' rating from TripAdvisor each year and there had never been any complaints. He had always respected his neighbours and knew from experience that it was important to ensure they were not disturbed. With regard to the plan of the premises, he explained that there were two exit / entrance doors. The one in the kitchen, to the rear of the premises, was a fire door. It opened onto the alleyway and was used for the takeaway delivery drivers. The front door was for customers.

The Applicant went on to say that the restaurant held a maximum of 28 people and would not be encouraging large groups. There were CCTV cameras inside and outside. Alcohol would not be served directly from the bar, but only with a meal. The restaurant on King Street was licensed until 2 am but always closed by 11 pm at the latest. At the Walmgate restaurant there would be a maximum of 4 people per table, and there was a room between the premises and the Representor's address, so he could assure them there would be no noise. There would be light background music only, and he would make sure that bottle recycling would take place in the mornings, not the evenings.

In response to questions from the Sub-Committee, the Applicant confirmed that:

- Sale of alcohol had been requested from 10 am to give some flexibility should he decide to open the restaurant at lunchtime.
- Service would be focused on couples and families as the restaurant was limited to 28 people and for staff safety reasons large groups would have to be divided up.

The Applicant declined the opportunity to sum up, as he had nothing further to add.

The Licensing Manager confirmed at this point that the plan was displayed correctly online with the agenda and clearly showed the alleyway referred to by the Applicant, as well as the restaurant area at the front of the premises.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.
- Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted for the following activities and timings with modified / additional conditions imposed by the Sub-Committee as set out below:

Activity	Timings
Supply of alcohol on the premises	10:00 to 22:00 everyday New Year's Eve until 23:00
Opening hours	10:00 to 22:00 everyday New Year's Eve until 23:00

The conditions agreed between the Applicant and North Yorkshire Police numbered 1 to 8 inclusive set out in Annex 3 of the Agenda shall be added to the licence.

The following condition shall also be added to the licence:

No bottles, glasses or similar items may be disposed of in outside receptacles between 19:00 and 10:00 hours.

The licence is also subject to the mandatory conditions applicable to licensed premises.

- Reasons:
- (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
 - (ii) The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies.
 - (iii) The Sub-Committee noted that this was a new licence application. The Sub-Committee carefully considered the concerns raised by the local resident who had made representations in writing relating to

anti social behaviour and public nuisance with particular regard to concerns about noise disturbance emanating from the premises and from patrons leaving late at night after consuming alcohol.

(iii) The Sub-Committee noted that the Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, had agreed with the applicant a number of additional conditions to be added to the grant of a licence. The Sub-Committee considered the fact that the Police did not object to the application (subject to the imposition of agreed conditions) carried great weight.

(iv) It noted that there were no representations from any other Responsible Authority.

(v) Whilst the Sub-Committee acknowledged the concerns expressed by the nearby resident, it also considered the nature of the proposed activities, noting that the establishment was intended to primarily operate as a small scale food led establishment with a minimum number of covers and waiter/waitress service only. It also noted the physical relationship of the premises to the local resident's property.

(vii) Overall, the Sub-Committee considered that it had received sufficient assurances from the Applicant in order to be satisfied that the premises would be operated responsibly to avoid noise nuisance and disturbance to local residents. It felt that, based on the evidence before it, the additional conditions the Applicant had agreed with the Police were appropriate and proportionate to promote the licensing objectives, subject to the imposition of an additional condition to prevent disturbance from glass recycling late at night.

Meeting	Licensing/Gambling Hearing
Date	8 August 2023
Present	Councillors Cuthbertson, Hook and Mason

23. Chair (13:34)

Resolved: That Cllr Cuthbertson be elected to act as Chair of the hearing.

24. Introductions (13:35)

The Chair invited those present to introduce themselves; the Sub-Committee Members, the Legal Adviser, the Democratic Services Officers, the Licensing Manager, the Applicant, Mr Moore, and the Representor, Mr Rozelle.

25. Declarations of Interest (13:34)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

26. Exclusion of Press and Public (13:37)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

27. Minutes (13:38)

Resolved: That the minutes from the Licensing Hearings held on 19 July and 24 July 2023 be brought to the next hearing.

28. The Determination of a Section 18(3)(a) Application by Mr Joseph Moore for a Premises Licence in respect of 46 Walmgate, York, YO1 9TJ (CYC-073136) (13:40)

Members considered an application by Mr Joseph Moore for a premises licence in respect of 46 Walmgate, York YO1 9TJ.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The prevention of crime and disorder.
2. The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it including the one written representation received from local residents.
3. The Licensing Manager's report and her comments made at the Hearing.

The Senior Licensing Officer outlined the report and corrected the supply of alcohol timings listed to 10:00 to 23:00 Sunday to Thursday before summarising the annexes. She then confirmed that the premises were not in the Cumulative Impact Area and that the Applicant had carried out the consultation process correctly.

She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with North Yorkshire Police, as set out in Annex 3. She then stated that the representation from the Public Protection team had been mediated following agreement from the applicant to amend their opening schedule and cease all regulated entertainment at 23:00. She also drew attention to the representations made by other parties at Annex 5. Finally, she advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representations at the Hearing. The Applicant stated explained that the new premises would be a small café/wine bar seating around 30 customers. The venue was aimed at couples and local residents rather than groups of drinkers and all customers would be seated with table service being provided.

The Applicant went on to state that he had complied with the responsible authorities and mediated concerns to ensure the licensing objectives were met. He also noted that the venue was in line with similar venues in the area and disagreed that it was within a primarily residential area.

In response to questions from Mr Rozelle (Representor), the Applicant confirmed that there were no plans to expand the venue.

In response to questions from the sub-committee, the Applicant confirmed that:

- There would not be any additional seating at the bar. The venue would have around 25-30 seats for customers and there would be no vertical drinking.
- The venue was made up of a storage area at the back and there was a residential space upstairs.
- He had around 20 years' experience of running licensable premises with venues ranging in sizes and service level.
- The menu would be comprised of small tapas-style dishes.

5. The representations made by Keith Rozelle and Tracy Walters, local residents.

Mr Rozelle was in attendance to present the representation stating that he lived around 25 meters from the premises and that the area had a wonderful sense of community, which he wished to preserve. He explained that there were few ordinary shops for residents in the immediate vicinity and the large number of bars, restaurants and pubs were popular with visitors, tourists, and students, but not the local residents.

He went on to explain that Walmgate was becoming oversaturated with restaurants and bars which were destroying the community as the area needed to reflect the needs of the local residents. He spoke on the noise levels from The Watergate Inn and explained that this late license application would further negatively impact the area due to increased noise levels and other issues arising from excessive drinking. He welcomed the restaurant conditions on the application but noted that this would not stop excessive drinking, especially due to the late licence and that the regulated music would also disturb the residents. He mentioned another late night bar in Stonegate owned by a local resident where drinking was contained before concluding that the primary concern of the representation was the late night aspect of the license and asked the sub-committee to reject the application.

In response to questions from the Applicant, Mr Rozelle explained that he was unaware of the capacity of the bar in Stonegate and of how many licenced pubs were currently in operation in Walmgate but commented that he did not want the area to turn into streets similar to Rougier Street or Micklegate and hoped to preserve the community. He also explained that he has lived in Walmgate for 10 years and has noticed gentrification in the area and that there should be a balance between jobs and businesses and the community aspect.

In response to questions from the sub-committee, he explained that police resources were already stretched and dealing with the effect of increased late night licences would be difficult.

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

Mr Rozelle summed up, stating that he appreciated that the plans for this venue will be similar to The Wright Place as he liked the format but explained that he was more concerned about the late night aspect of this application as opposed to the actual alcohol licence.

The Applicant summed up, stating that he had complied with the conditions set out by the Responsible Authorities to ensure that the licensing objectives were met and noted that this was a very small venue.

The Sub-Committee sought clarification from the Licensing Manager on the details of the alcohol licence at The Wright Place, but this information was not available at the meeting.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.
- Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted for the following activities and timings with modified / additional conditions imposed by the Sub-Committee as set out below:

Activity	Timings
Live Music - indoors	10:00 to 23:00 everyday
Recorded Music - indoors	10:00 to 23:00 everyday
Late night refreshment – indoors and outdoors	23:00 to 01:00 everyday
Supply of alcohol - on and off the premises	10:00 to 23:00 Sunday to Thursday 10:00 to 00:30 Friday and Saturday
Opening hours	10:00 to Midnight Sunday to Thursday 10:00 to 01:00 Friday and Saturday

The conditions contained in the Operating Schedule and the additional conditions agreed between the Applicants and North Yorkshire Police numbered 1 to 9 inclusive set out in Annex 3 of the Agenda shall be added to the licence.

The licence is also subject to the mandatory conditions applicable to licensed premises.

Reasons:

- i. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- ii. The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies.

- iii. The Sub-Committee noted that this was a new licence application and was conscious that the premises' location is in proximity to some local residences. The Sub-Committee carefully considered the submissions of the Representors and the concerns raised by them relating to the impact the premises would have on the licensing objectives, in particular concerns about crime and disorder (particularly in relation to anti-social behaviour) and public nuisance in the form of noise emanating from the premises.
- iv. The Sub-Committee noted that the Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, had agreed with the applicant a number of additional conditions to be added to the grant of a licence. The Sub-Committee considered the fact that the Police did not object to the application (subject to the imposition of agreed conditions) carried great weight.
- v. The Sub-Committee noted that Public Protection had withdrawn their representation as they had agreed with the applicant to a reduction in the timings of live and recorded music to cease at 23:00 which effectively removed the need for entertainment from the application.
- vi. It noted that there were no representations from any other Responsible Authority.
- vii. Whilst the Sub-Committee acknowledged the concerns expressed by the Representor, it also considered the nature of the proposed activities, noting that the establishment was intended to operate as a small-scale café/wine bar for couples and local residents with customers to be seated at tables with table service only. The Sub-Committee was reassured by the evidence given by the Applicants and their responsible attitude towards the promotion of the licensing objectives as they had mediated with Public Protection and had agreed with the Police to the addition of several conditions to be added to the grant of a licence.

- viii. In light of the evidence given by the Applicant, the Sub-Committee was satisfied that the premises would be operated responsibly. It did not find any evidence to justify a refusal of the application and given the nature of the proposed operation it was felt that further conditions would not be necessary in order to promote the licensing objectives.
- ix. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee to grant the licence subject to the additional conditions agreed with the Police was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr I Cuthbertson, Chair

[The meeting started at 1.34 pm and finished at 2.26 pm].



Licensing Act 2003 Sub Committee

11 September 2023

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Roxy Ballroom, Stonebow House, The Stonebow, York YO1 7NP

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 - 073339
3. Name of applicant: Roxy Leisure 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 a competitive socialising venue with various games, a bar and a kitchen.

Proposed Activity	Timings
Films - indoors	10:00 to 23:00 Mon to Wed 10:00 to 00:00 Thurs to Sat 10:00 to 22:30 Sun
Recorded Music - Indoors	10:00 to 23:00 Mon to Wed 10:00 to 00:00 Thurs to Sat 10:00 to 22:30 Sun
Late Night Refreshment - indoors	23:00 to 00:00 Thurs to Sat
Supply of Alcohol - on the premises	10:00 to 23:00 Mon to Wed 10:00 to 00:00 Thurs to Sat 10:00 to 22:30 Sun
Opening Hours	09:00 to 23:30 Mon to Wed 09:00 to 00:30 Thurs to Sat

	09:00 to 23:00 Sun
Seasonal variations / non-standard timings	<p>New Year's Eve hours shall be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times.</p>

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises. The premises is described in the application as a competitive socialising venue offering various games such as pool and ping pong, with a bar and kitchen.
7. For members information this premises was licensed at a licensing sub-committee hearing in November 2018. That licence was granted for the ground floor and basement area to Try Market Halls York Ltd. That operator never opened or operated at the premises. That licence remains in force. This application is for the grant of a premises licence also for the ground floor and basement area, however since 2018 a new Co-op supermarket has opened, operating under a separate premises licence, in an area of the ground floor bordering onto Whip ma Whop ma Gate. The area covered by the Co-op is not affected by this application.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

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

The premises shall not operate as a bar or vertical drinking establishment, or nightclub and all licensable activities authorised by this licence shall be ancillary to the main function as a competitive socialising venue with at least 50% of the floor space will be dedicated to gaming areas.

11. The Prevention of Crime and Disorder

11.1. There will be a communication link via radio to other venues in the city centre. This will be the system recognised by the current Business Crime Reduction Partnership for the city, York City Council and North Yorkshire Police.

11.2. The Licence Holder/Designated Premises Supervisor must participate in a local Pubwatch scheme or licensing association (where one exists, that is recognised by North Yorkshire Police).

11.3. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

11.4. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).

11.5. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.

11.6. The CCTV system will contain the correct time and date stamp information.

11.7. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.

11.8. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

11.9. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the

Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

11.10. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.

11.11. The Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS) will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.

11.12. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).

11.13. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.

11.14. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals, and ejections from the premises.

11.15. All instances of crime and disorder will be reported to North Yorkshire Police and will be recorded in an Incident Report Register.

11.16. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

11.17. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.

There will be a communication link via radio to other venues in the city centre. This will be the system recognised by the current Business Crime Reduction Partnership for the city, York City Council and North Yorkshire Police.

11.18. There will be a minimum of 1 SIA Registered Door Supervisor from 22:00 hours on Thursdays, Fridays, Saturdays, and Sundays before Bank Holidays.

11.19. The Licensee shall ensure that any persons employed on the premises to work in the capacity as a door supervisor, hold current registration with the SIA and comply with all relevant rules and regulations laid down by that body.

11.20. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with North Yorkshire Police or British Transport Police.

11.21. Food will be available at the premises from midday until 2200hrs daily.

12. Public Safety

12.1. Regular safety checks of the premises including decorative and functional fixtures, floor surface and equipment (including electrical appliances) to which the public may come into contact, must be undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.

12.2. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.

12.3. The licensee shall ensure that drinks glasses and any other glass receptacles are prevented from being taken off the premises except for off-sales and their legitimate sale.

12.4. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.

12.5. Regular safety checks of guarding to stairs, balconies, landings, and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.

Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.

12.6. All floor surfaces will be kept in good condition and free of obstructions to prevent slips, trips and falls.

12.7. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risks of scalds and burns to them.

12.8. Where strobes, lasers, smoke machines and other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided, and staff will be appropriately trained.

13. The Prevention of Public Nuisance

13.1. Queues shall be restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property. Staff shall be trained to intercept and manage any incidents and sufficient staff shall be employed to properly manage queues to prevent noise and aggression.

13.2. There will be a Noise Management Plan in place.

13.3. Direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents in the vicinity.

13.4. There will be a written Dispersal Policy in place, that is to be agreed with the City of York Council's Public Protection Team Environmental Health.

13.5. All music shall be played or reproduced through loudspeakers and a tamper proof noise limitation device. The device and the installation shall be approved in writing by the City of York Council's Public Protection team before the use hereby approved commences. The device shall not be altered or modified without

prior agreement with the City of York Council's Public Protection team.

14. The Protection of Children from Harm

14.1. The premises must operate the Challenge 25 proof of age scheme in accordance with guidance issued by North Yorkshire Police.

14.2 No persons under the age of 18 years of age will be allowed in the premises.

Special Policy Consideration

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

Consultation

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

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

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police made representation on the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. The agreed conditions can be found at Annex 3. Therefore, North Yorkshire Police have withdrawn their representation.

19. City of York Council Public Protection (Environmental Protection) made representation on the prevention of public nuisance; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. The

agreed conditions can be found at Annex 4. Therefore, Public Protection have withdrawn their representation.

Summary of Representations made by Other Parties

20. There have been 38 relevant representations received from other persons. The list of representors is attached at Annex 5.
21. The representations are predominantly based on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance objectives. They state that these objectives will be undermined if the application is granted.
22. Copies of all the representations are attached at Annex 6.
23. A map showing the general area around the venue is attached at Annex 7.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

Options

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

Analysis

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

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

Council Plan

37. 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.
38. 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

39.
 - **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

40. 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.
41. 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

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

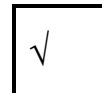
Contact Details

Author:
Lesley Cooke
Licensing Manager

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

Tel No. 01904 551515

**Report
Approved**



Date
21.08.2023

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

Wards Affected:

For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Conditions agreed with North Yorkshire Police
- Annex 4** - Conditions agreed with Public Protection
- Annex 5** - List of representors (**Confidential**)
- Annex 6** - Representations
- Annex 7** - Map of area
- Annex 8** - Mandatory conditions
- Annex 9** - Legislation and policy

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UPPER GROUND FLOOR PLAN AS PROPOSED



LOWER GROUND FLOOR PLAN AS PROPOSED

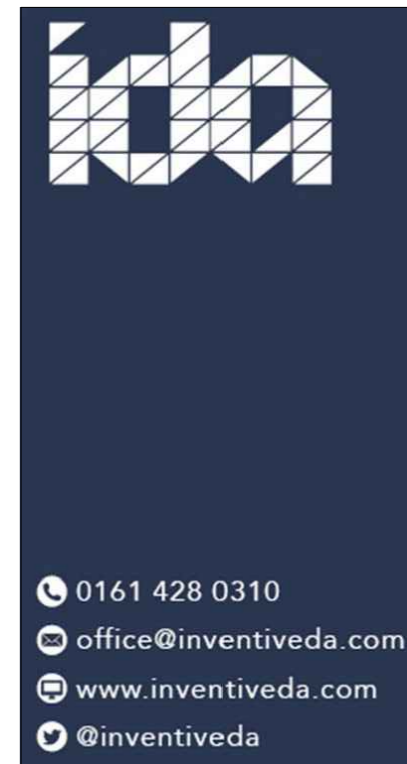
AREA DENOTES LICENSABLE ACTIVITIES

KEY TO LICENSING SYMBOLS (Note Existing fittings are marked 'EP')

	Emergency Lighting Luminaire		Wet Chemical (Hot Fights) Fire Extinguisher
	Illuminated emergency exit sign mounted above door indicating escape route (pictorial on approach side)		Foam Fire Extinguisher
	Illuminated emergency exit directional sign (pictorial on approach side), direction indicated		Water Fire Extinguisher
	Illuminated emergency exit sign suspended above head height 90 deg. to escape route (pictorial on approach side)		Hydro spray Fire Extinguisher
	Break Glass Fire Alarm Manual call point		Fire Blanket
	Fire Alarm electronic sounder		Dry Powder Fire Extinguisher
	Heat (Smoke) Detector		2kg. or 3kg. Carbon Dioxide Fire Extinguisher
	Fire Alarm Control Panel		9L 1" Class fire Extinguisher
	Fire Alarm Zoned Beacon		Vision panel in door
	30-minute fire resistant solid core door		escape (emergency) path bars/pods on doors
	30-minute fire resistant door with self-closing device & smoke seal		First Aid kit box
	one-hour fire resistant solid core door with smoke seal		

Items shown on this plan which are not required by the Plans Regulations are for illustrative purposes only and do not form part of the licence. These items may be moved at the discretion of the License Holder. The current location of the fire safety equipment and other safety equipment is as shown. These items may be moved from time to time with agreement of the Fire Officer or after fire risk assessment.

	Existing Walls
	New full height studwork partitions - to achieve 30 mins fire resistance unless otherwise noted
	New dwarf height walls with infill/blade



Rev	Description	By	Date

INVENTIVE DESIGN ASSOCIATES
ARCHITECTURE & INTERIOR DESIGN

57 Station Road, Cheadle Hulme
Stockport, Greater Manchester SK8 7AA
Company Reg No: 9221414

ROXY BALL ROOM
Stonewall house, York
YO1 7NP

LICENSING PLAN

DRAWN: ADR DATE: 07-07-23 DRAWING NO.: 2370-501
SCALE: 1:100@A0 REV: -

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Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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Annex 3

Conditions agreed with North Yorkshire Police

I have reviewed the application for Roxy Ballroom in addition to pre-consultation with the applicants. The below agreement has been made in addition to the conditions offered on the application. (see below email)

As this agreement has been made I can confirm that North Yorkshire Police have no objection to the application and as such no Police representation shall be submitted.

Amendment to condition 18 offered –

There will be a minimum of 1 SIA Registered Door Supervisor from 22:00 hours on Thursdays, Fridays, Saturdays and Sundays before Bank Holidays and from 1900hrs on days when race meetings are held at York Racecourse (save for the family meeting held in September and the first meeting in May).

New condition to add –

At all other times it is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises.

Kind Regards,
Kim

PC 1671 Kim HOLLIS
Alcohol Licensing Officer (York)
Partnership Hub
North Yorkshire Police

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Annex 4

Conditions Agreed with Public Protection

1. Queues shall be restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property. Staff shall be trained to intercept and manage any incidents and sufficient staff shall be employed to properly manage queues to prevent noise and aggression. There shall be signs to tell customers to leave the premises quietly and customers shall be advised to do so by door staff.
2. There will be a Noise Management Plan (NMP) in place before the first operation of the premises. The NMP shall be approved in writing by Public Protection before the first operation of the premises and shall include measures to manage noise from recorded music, noise from customers, deliveries, glass collection, recycling and other waste collection, so as not to cause a nuisance to local residents. **(Annex A attached)**
3. Direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents in the vicinity.
4. There will be a written Dispersal Policy in place, that is to be agreed with the City of York Council's Public Protection team. **(Annex B attached)**
5. All music shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The device and the installation shall be approved in writing by the City of York Council's Public Protection team before the use hereby approved commences. The device shall not be altered or modified without prior agreement with the City of York Council's Public Protection team.

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Noise Mitigation and Management Plan

Dated: 15th August 2023

Venue Name: Roxy Ball Room

Address: Stonebow House, Stonebow, York, YO1 7NP

Location Details:

- The venue is over 2 main floors comprising of a lower ground, ground floor entrance area leading to a first floor.
- The venue is located amongst commercial properties with the nearest residential neighbours located in flats partly above the unit.

Identified most likely causes of noise disturbance:

- Music being played.
- Voices from customers on entry, exit and congregating in the area.

Build mitigation:

- Any Karaoke rooms if incorporated will be fully sound proofed to prevent noise bleed within the venue.
- Speakers will not be placed behind the bar to ensure sound is not directed at staff who are working.
- Speakers will not be directed at the front door to reduce any noise disturbance from entry and exit.

Management controls:

- Door staff will be employed at busy times, to ensure guests on entry and exit are not causing a disturbance to neighbours.
- In the unlikely event queues form, customers will be requested to queue up against the wall to the right of the building to avoid obstruction and requested to stand close to the wall as not to block the footpath.
- Barriers will also be used for queue management if required.
- Any smokers will be requested to stand to the left of the building. This will be a roped off area no bigger than 4m² as not to block the footpath. There will also be a cigarette bin located in the area to prevent litter.
- Management controls will be in place to prevent music being played too loudly within the venue to customers and staff.
- No glass bottles shall be placed in the outside receptacles after 8pm.
- External waste collection limited to between the hours of 8am – 8pm.
- Deliveries limited to between the hours of 8am – 8pm.
- A telephone number for the manager on duty will be made available in operational hours to residents in the vicinity.
- A log of any issues or incidents will be kept and reviewed on a regular basis. This will include any complaints from local residents in the area and be available on request to the authorities.
- Management will be trained on the likely cause of noise disturbance, how to minimise the occurrence and how to rectify should an incident or complaint arise.
- Team members will be trained on managing and preventing conflict and incidents.
- Staff and security rotas will be planned to expected trade levels to ensure the management controls are adhered to.
- A dispersal policy will be in place to reduce the potential of noise and disturbance to neighbours.
- All music shall be played or reproduced through loud speakers and a tamper proof noise limitation device.

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Dispersal Policy

Dated: 12th July 2023

Venue Name: Roxy Ball Room

Address: Stonebow House, Stonebow, York, YO1 7NP

Location Details:

- The venue is over 2 main floors comprising of a lower ground, ground floor entrance area leading to a first floor.
- The venue is located amongst commercial properties with the nearest residential neighbours located in flats partly above the unit.

Objectives:

- The objective of this dispersal policy is to assist with upholding of the licensing objectives, in particular; The Prevention of Crime and Disorder and The Prevention of Public Nuisance.
- There is an increased risk of disturbance through customers leaving the premises at the end of the night. This policy sets out actions to be implemented by trained venue management to encourage customers to leave gradually and in a calm manner to minimise the potential for crime in the area or disturbance to our neighbours.

End of night dispersal:

- There will be a 30-minute 'wind down' period at the end of the night that will involve lights being gradually put up and music volume lowered to encourage customers to leave over a period up time.
- Towards the end of the evening, service points will be reduced on the bar, with staff relocated to clear the tables, assist with dispersal, and reduce the risk of customers leaving with glass or bottles.
- Notices will be placed near the exit reminding customers to be respectful of neighbours and providing information on how to get a taxi.
- At busy times, door staff will be stationed at the front door to ensure guests are not leaving with drinks or causing a disturbance and directing customers on transport options where required.
- Customers will be encouraged to vacate the area and not congregate around the front of the premises.
- Cleaning patrols will continue to take place at the end of the night, around the front doors and the perimeter to ensure no debris is left.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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From:
Sent: 26 July 2023 17:19
To: licensing@york.gov.uk
Subject: Objection to licence application: Roxy Ballroom Stonebow House

Categories:

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

I am a neighbour of Stonebow House, at St Saviourgate and write to object to the above referenced licence application as it is contrary to the council's licensing policy in several areas.

Stonebow House is a residential building containing a low-impact supermarket at ground floor. It sits on a residential street, with the nearest neighbours being Lady Hewley's Cottages, a row of sheltered housing. The street contains mainly listed buildings from the 1730s, the majority of which are residential. The other buildings are used as offices.

A previous application for a premises licence by Try Market Halls CYC-062590 went to a hearing on 29th November 2018 where a number of objections were made. The outcome of that hearing was that a licence was granted with a set of conditions, including on being food-led and seated, on capacity, operating times and protocols and ensuring that the venue does not become a stand-up drinking venue. That application related to a proposed food hall with extensive bar.

The present application is more extreme in that it relates to an alcohol-led vertical drinking party venue that describes itself (to quote their marketing materials) as "The home of booze and ball games" with the intention of bringing "the playground to the bar, with a huge variety of games all under one roof, and massive rock and indie tunes". This description is not consistent with the residential nature of the street which borders a cumulative impact area red zone (see Cumulative Impact Assessment 2022 to 2025). This venue would undoubtedly negatively affect the cumulative impact area, bringing more alcohol-related night-time footfall to the area.

It is unlikely that a venue of this type will be able to comply with Condition 14 of the building's planning consent 16/02856/FUL: "Noise from any D2: Assembly and Leisure uses shall not exceed background noise levels measured at a distance of 1m from the application site". I would also draw attention to conditions imposed on the amount of floor space available for D2 use, delivery and collection times and the storage of waste and materials.

The premises operator has a history of disregarding conditions imposed by council officers.

In 2017 consent was given in 17/01891/FUL for the conversion of Stonebow House to residential use. A condition was that the Hungate elevation facing the nearest residential properties should not be cluttered with plant and take on the aspect of a rear alley. This was ignored when a tenant moved in to the unit to run a gym and they installed air conditioning units mounting them on the Hungate elevation: in 2018 retrospective consent was given under 18/02386/FUL for 9 air conditioning units subject to the condition that they were screened by an acoustic enclosure. The premises owners ignored both this limit to numbers and the screening condition and introduced a fried street food kitchen, installing additional units and a further kitchen extraction system. A further condition for acoustic screening was imposed. This too was ignored and is now the subject of an enforcement notice due to the noise and smell nuisance that ensued.

The history of the site gives residents no cause for comfort, in that the premises operator cannot be trusted and the council's conditions are subject to incremental erosion through ineffective enforcement. Therefore a licence should not be granted at all.

The potential impact of this development on the peaceful enjoyment of our homes requires that the application be determined at a full licensing hearing.

St Saviourgate

From: [REDACTED]
Sent: 31 July 2023 09:26
To: licensing@york.gov.uk
Subject: Re: Representation re Roxy Ballroom

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

Dear Helen, Thank you for your swift reply.

You ask for my full address. I also note submissions should be signed.

I have reattached my original email, to which I have added our address and my electronic signature. Does this now meet the requirements?

Regards,

Subject: Application for 'Games Bar' at Stonebow House

I understand you will shortly be considering an application from Roxy Leisure Team to install a 'Games Bar' in Stonebow House.

My wife and I live in Aldwark and our house backs onto St Saviour's Place. The proposed Games Bar would be in St Saviour's Place. My understanding, having looked up what a games bar is, is that it consists of arcade and pinball machines in a venue that also serves food and drink.

Such a facility on the edge of a major inner city residential area would be highly inappropriate. Not only owing to the noise and litter it would generate, but the probability of rowdy, alcohol-fueled young people spilling out onto the streets at a time of night when residents are likely to be returning to their homes.

The City Centre is already a less than pleasant place late at night owing to hen, stag, and other parties carousing. I thought York City Council was trying to promote York as a quality place to visit, not driving it into an ever decreasing spiral of cheap, shoddy attractions.

This isn't the first application relating to Stonebow House proposing a late night entertainment venue that has been put forward. I urge you to reject this application and any similar ones that might follow.

Yours,



Apartment Stonebow House
The Stonebow
York
YO1 7NP

31/07/2023

Licensing Team
City of York Council
West Offices
Station Rise
York
YO1 6GA

Dear Sir/Madam,

Re: Application for a licensable activities by Roxy Leisure Limited

As a resident of Stonebow House and as a direct neighbour of Roxy Leisure Limited. I am writing to formally lodge concerns regarding an application for licensable activities submitted by Roxy Leisure Limited, which include regulated entertainment and the sale of alcohol.

Whilst I appreciate and support the economic growth and development of businesses within the local community, I have significant concerns regarding the potential impact of these activities on the immediate and surrounding areas. The proposed licensable activities may have adverse effects on the local residents (particularly those living in the same building), the environment and the overall character of the neighbourhood.

My objections are based on the following grounds:

1. **Noise Pollution:** Playing of loud music until late in the evening under the proposed opening hours could seriously disturb the peace and tranquillity of nearby residential areas, affecting the quality of life of residents of the building.
2. **Anti-Social Behaviour:** The sale of alcohol combined with late-night opening hours may attract rowdy and disruptive behaviour, which could lead to an increase in anti-social behaviour, public disturbances, and potential risks to the public and residents' safety. This may include intoxicated persons attempting to enter the residential part of the building.
3. **Crowds:** The premises are located next to a row of bus stops, after closing time this could lead to crowds of people in front of the residents' entry to the building. This combined with the afore-mentioned anti-social behaviour could lead to potential risk to the public and residents' safety. Such crowds may also cause risks to road traffic, particularly the buses arriving late at night.
4. **Over Saturation:** There is already an abundance of licensed premises in the area, and the addition of another establishment could lead to oversaturation.

Considering these concerns, I urge the City of York Council to carefully consider the potential negative impacts on the community and the local environment before granting the licence to Roxy

Leisure Limited. Appropriate measures must be put in place to mitigate any adverse effects and to ensure the safety of the local community and residents of the building.

I trust that the City of York Council will take my objections into account and carefully assess the impact of these licensable activities on the local community, and, in particular, the residents of Stonebow House.

Please keep me informed about the progress of the application and any further developments.

Thank you for your attention to this matter.

Yours faithfully,

From:
Sent: 01 August 2023 11:47
To: licensing@york.gov.uk
Cc: Cllr. D. Merrett
Subject: Roxy Leisure Ltd, Market Hall Stonebow House Licence application

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

Dear Sir/Madam,
 As Secretary of York Unitarians, I wish to **object**, on behalf of our congregation, to the above licence application made 20th July 2023.

I understand that the proposed opening hours include from 9.00am on a Sunday with alcohol being sold from 10.00am and that alcohol will be being sold from 10.00am on every day of the week. St Saviourgate Unitarian Chapel is a house of worship and a well-known concert venue for largely acoustic music. Roxy Leisure Ltd appears to function as a nightclub-style venue throughout the day as well as in the evening and has a reputation for very loud canned music.

We believe the noise alone will make it unsuitable to be situated so close to a house of worship (and ours is not the only church on St Saviourgate). The noise is likely to interfere with the atmosphere of peace and quiet in the chapel, and also interfere with the lunchtime and evening concerts.

The noise and likely disorder are also highly unsuitable for the environment of our Grade 2* Listed Building. Selling alcohol all day long is a recipe for crime, disorder and public nuisance. The premises will become a **new source** of public disorder, noise, littering, fighting and general antisocial behaviour.

We already experience disorderly behaviour, with people trying to break into the chapel and leaving litter in our front courtyard. With this new venue, open and selling alcohol basically all day long, this situation is bound to get much, much worse.

I also believe that granting this licence to Roxy Leisure Ltd flies in the face of the very first point of the supposed "vision" of My City Centre York, which is to provide "a family friendly city centre". Drunken revellers do not make for a family-friendly city centre, and this business also threatens other parts of the vision, such as "an attractive city at all times" and "celebrating heritage...". If this licence application is allowed, it will likely trash the heritage of our chapel, a significant heritage building in the city centre.

On behalf of our congregation and the many people who come to our concerts, I ask you to refuse this licence application. The premises are not in a suitable location for the proposed use.
 Cordially,

Secretary, York Unitarians





From:
Sent: 01 August 2023 23:37
To: licensing@york.gov.uk
Subject: Objection to Licence application by Roxy Leisure Ltd Premises, Market Hall, Stonebow House, York, YO1 7NP

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

Dear Sir/Madam,

I live on St Saviourgate, a residential street next to Stonebow House and write to lodge an objection to the above licence application. I have lived here since 2007, during which time my family and I have experienced many problems with the various nightclubs, bars and music venues that have been located in Stonebow House.

With this in mind, I write to object to the above licence application on the following grounds.

1. The prevention of crime and disorder

The applicant advertises "Balls & Booze" and encourages all day drinking with drinks packages to attract large groups. The operator advertises the venue as "the home of booze and ball games" and is a stand-up drinking venue with competitive games including beer pong. "Roxy brings the playground to the bar" is another slogan designed to appeal to stags, hens and party goers who come to York to drink to excess and already blight the lives of local residents. We know from the reputation of Roxy Ballrooms in other cities such as Leeds, that all day drinking, combined with music so loud that clients have to shout to be heard, carries on when they leave the venue and this leads to trouble, as reported in the Yorkshire Evening Post, December '22: **Roxy Ball Room Leeds: Thug 'nearly blinded' man after single punch left victim with 'torn eyeball'** A thug almost blinded a man with one punch during a fight in a Leeds bar.

2. Public safety

Large groups of drunken people are intimidating for local residents going about their daily business, especially late at night. The small, poorly-lit street beside Stonebow House connecting the Stonebow with St Saviourgate becomes a no-go zone as it is used after hours as a toilet and for drug dealing. It is always a worry for locals, especially the elderly residents of Lady Hewley's cottages, when drunken people are lurking in the shadows to relieve themselves.

The pavement by Stonebow House has often been blocked by delivery lorries unloading supplies for the venue. Residents need safe access to the drop kerbs, especially the elderly residents using mobility scooters and the groups of school children visiting the neighbouring DIG.

3. The prevention of public nuisance

Our experience is that drink-fuelled and rowdy revellers decant on to the street late at night to join the taxi rank on St Saviourgate. Having been drinking for hours, they need to relieve themselves on the street, often in doorways in full view of residents and visitors. Residents have to put up with puddles of vomit on the pavement the following morning and a street that reeks of urine. Broken bottles on the street are commonplace along with discarded food cartons, bottles and cans left on window ledges. Late night ringing of doorbells and drunken people jumping on parked cars just for fun becomes a common occurrence.

In addition to the noise from drunken people exiting the venue late at night, residents have regularly experienced disrupted nights due to the venue staff emptying bottles into the glass bins at closing time. Add to this the early morning bottle collections/deliveries and beeping reversing lorries, there is little peace for local residents.

Previous occupants of the proposed venue have often left the loading doors open in summer to provide additional ventilation to the hot interior. On such occasions we have witnessed the loud

music and window-rattling vibrations. The extraction fans attached to the exterior of the venue are loud and smelly and currently subject to an enforcement order. The kitchen inside the venue has very recently been in use and has caused a public nuisance with the smell of fried fatty foods. Roxy Ballroom's menu lists a selection of fried foods and so we can anticipate a repeat of this problem.

4. The protection of children from harm.

The proposed licensing hours encourage all day drinking with all the problems associated with excess consumption of alcohol and create a no-go zone for local residents, families and visitors. The DIG is visited by parties of school children for educational purposes and these children should be protected from the impact of all day drinking.

The reputation of Roxy Ballrooms

In order to get a realistic idea of what we can expect from Roxy Ballrooms, I have looked into staff reviews from other locations. Unfortunately, these reviews confirm that this operator will be no better than any of the others in Stonebow House:

Roxy Ballroom Staff Member Review, Glassdoor January '23

'Electronic bookings system was constantly glitching and we had lots of angry customers. Unrealistic turnover was given for games which led to angry customers piling up. Equipment was cheap, shoddy, worn down, and broke easily. Prices are shockingly high for poor quality. Staff were harangued for not giving out their names and harassing customers for reviews. Many members of management were unaware of KPIs and changes. Minimum wage staff were made to clean vomit, urine, and drunken diarrhoea blowouts.'

Roxy Ballroom Staff Member Review, Glassdoor September '22

'It can at times be a toxic working environment with some people at the workplace and since it is a crowded games bar, expect rowdy customers.'

The reputation of the City of York

As York has adopted a new vision to create a family-friendly city that prioritises residents and creates a safer environment, it is clear that this type of venue does not support this vision. This type of venue will take York in the wrong direction, creating a loutish, drunken image that will drive families and visitors out of the city centre whilst tarnishing the reputation of York.

For all of the above reasons Licensing should **reject** this application.

Should a licence be granted, the following conditions should be applied:

- . No stand-up drinking
- . No competitive games involving drinking
- . Policy to discourage large groups
- . Policy to discourage binge drinking
- . Food to be served with alcohol at all times
- . No drinks packages
- . Reduced licence hours
- . Managers telephone number to be made available to residents

- . No music or noise from inside to be heard outside the venue
- . No late night bottle disposal or early morning collection
- . Deliveries via Stonebow not St Saviourgate
- . Regular licence review

Thank you for your consideration.

Yours faithfully,

St Saviourgate

York

YO1 8NN

From: Reception
Sent: 02 August 2023 17:52
To: licensing@york.gov.uk
Subject: Re: Roxy Leisure Ltd – Market Hall, Stonebow House, York, YO1 7NP - Licensing Objection

Importance: High

Categories:

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

To Licensing Service, City of York Council

Re: Roxy Leisure Ltd – Market Hall, Stonebow House, York, YO1 7NP

Date: 20/07/2023

OBJECTION

On behalf of _____, we wish to register our objections to the above proposed licensing application in its current form.

We are a law firm based in our offices at St Saviourgate, York, YO1 8NS and have many clients and staff each day who access our business premises on foot, going to and from the central shopping area, including to use the taxi rank at the top of St Saviourgate.

We are concerned that a licensed bar serving alcohol to fuel “games” all day and late into the evening will have the effect of increasing the amount of anti-social behaviour generally experienced in the area, impacting on our clients and staff.

Our staff already frequently witness instances of individuals urinating in various points along the street.

There is already a lot of litter from food and drink items left on windowsills along the street including our own on almost daily basis; we would not want that to increase further.

Drug dealing is also a problem on St Saviourgate and we would not want this to be exacerbated by “revellers” seeking or being targeted by dealers.

We are also concerned that enforcement of noise abatement in relation to the playing of music all day and the noise associated with any antisocial behaviour will be onerous on residents and the Local Authority to enforce. We note that there is no day when the music will not be being played.

Given the Local Authority has functions under section 4 of the Licensing Act 2003 to promote:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance;

we would ask our concerns to be taken into account by the Local Authority when considering this application.

Notice of application for the grant of a
Premises licence under Section 17 of the
Licensing Act 2003

Lady Hewley Cottages,
St Sauvingate
YO1 8NW.
3rd August 2023.

Dear Sir,

I am pleased that there is an opportunity for me to write regarding the above.

I live in one of the Lady Hewley Cottages, and was very happy when I was able to move in 2 years ago, after much noise and distress in a previous flat. When I moved here, I was assured I would be living in a quiet environment.

I therefore OBJECT to the above alcohol licence being granted to Roxy Leisure Ltd, in a venue in very close proximity to my home. My own health and peace of mind will suffer, plus that of my neighbours if this is granted. It is more than likely to create a public nuisance caused by noisy drunker clients.

Quite apart from the noise and Stonebow House being used as a games and bowling alley, it will also have an impact on the local streets and pavements by drawing large groups and parties. The Roxy Leisure company cannot operate financially or commercially without large numbers of

attendees.

The City of York Council has promised that residents within the city should have priority. This is written in the 2002 My City Centre York Vision.

I therefore ask that the correct decision is made when it considers the licensing Application, and turns down Roxy Heiswe's request.

Yours Faithfully

''

Lady Hewley Cottages
St,Saviourgate
York

City of York Licensing Team
Hazel Court
Eco Depot
James Street
YORK YO10 3DS

2/8/2023

Your ref :- Notice of application for the grant of a Premises Licence under
Section 17 of the licencing Act: Roxy Ballroom, Market Hall, Stonebow House
YORK

OBJECTION

Dear Sir/Madam

I would like to register my **OBJECTION** to this application because of the further disruption it would inevitably bring to this residential area, we already have unsociable behaviour with alcohol fuelled damage to residents property, vehicles, vomit in the local streets, drug taking paraphernalia syringes etc discarded wantonly, I do think that the granting of a drinks licence for the premises of the two former night clubs would be a retrograde step,

Since the closing of these two night clubs we have had some respite from the noise and anti-social behaviour that is prevalent with this sorts of venue,

Would you agree that this proposal sits well outside "IN MY CITY CENTRE VISION 2022?"

May I just also inform you as a foot note to my **OBJECTION** that I personally have had TWO of my vehicles jumped on by drunken revellers in the street, wing mirrors smashed off causing thousands of pounds worth of damage, I have also witnessed urinating openly etc in the street I

I don't think we really need MORE of this do we ? Surely there must be out of town venues available for this sort of activity, please do not allow this application in the heart of our beautiful city.

I would like to add that in May 2018 you submitted an objection to a licence application by Try Market Halls on the grounds of public nuisance. It concurred, competitive drinking games should **not** be permitted & the venue should **not** become a stand up drinking venue, Roxy is offering in their promotional material exactly that calling it "Beer Pong"

PLEASE REGISTER MY OBJECTION

Yours Sincerely

From:
Sent: 04 August 2023 19:17
To: licensing@york.gov.uk
Subject: Objection - Roxy Leisure Limited licensing application - Stonebow House

Categories:

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

Dear Sir,

In response to the above application for the grant of a Premises Licence under Section 17 of the Licensing Act, I would like to object to the licence for Roxy Leisure Ltd, Roxy Ballroom, Market Hall, Stonebow House, York on the following grounds.

1. Excessive noise is likely to have a detrimental impact to those in the vicinity of the venue, similar disturbance was experienced to both sleep and general enjoyment the area, from a previous venture in the building when used as a nightclub.
2. The venue is both below existing residential accommodation and close to a sheltered housing community that has been in existence for many years. Bearing in mind the opening hours late into the evenings and going through to the following morning regularly.
3. Unfortunately due to the combination of long opening hours and alcohol many customers are likely to be leaving in high spirits which usually means singing and shouting as they proceed along the streets around the venue, disturbing sleep and general enjoyment, and the throwing of disused items around the streets and into the gardens in the area which can be very slow to be cleared, lowering the impressions and reputation of York to visitors and residents alike.
4. There is the risk of the areas around the venue becoming off limits to residents due to their concerns around groups of people who are under the influence of excess alcohol, blocking of pavements and may likely lead to the break out of fights and generally frightening behaviour to negotiate.
5. The area is a conservation area and should be retained as such rather than encouraging venues where excesses could become the norm.

Yours

Peasholme Court
The Stonebow
York

Sent from Mail for Windows



From:
Sent: 06 August 2023 19:40
To: licensing@york.gov.uk
Subject: Premises licence grant under section 17 of the Licensing Act. For Roxy Leisure, Stonebow House York

Categories:

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

Dear Sir or Madam

Objection

I am writing to object to the planning request made by Roxy Leisure and in support of my 80 year old mother who lives at Lady Hewley Cottages off St Saviourgate. I was recently in England and saw a planning notice attached to Stonebow House.

I was pleased she had found a peaceful home, in the city centre and enjoyed living there. But learning about Roxy Leisure's planned activities, I feel I must object to their application to sell alcohol. The advertised activities being promoted by them, along with alcoholic drinks will no doubt result in regular late night noise for the elderly residents of Lady Hewley Cottages nearby. And I understand that this is a conservation area.

My mother manages well at the present time but I would not like to think that her comfortable quiet life was to be shattered by a commercial enterprise so close to her doorstep.

I know she is extremely worried that this venue will be allowed to open and can't imagine how she will cope if it is, knowing how much noise can be generated from such a heavily populated building.

Please allow the residents the right to a peaceful life.

Yours faithfully

The Residents Association
St Saviourgate

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

5 August 2023

Dear Sir/Madam,

The residents of St Saviourgate object to the proposed Stonebow House licence submitted by Roxy Leisure Ltd.

We support the licensing objectives and believe that this large capacity venue will be detrimental to these objectives as follows:

Prevention of Crime and disorder

The venue markets itself as 'bringing the playground to the bar' and offers drinks packages (including 24 bottles of beer or 70cl bottles of spirits) and shots offers to appeal to large drinking groups, encouraging excessive alcohol consumption. The Roxy Ballroom website describes the venues as 'The Home of Booze and Balls'.

Local residents have been subjected over many years to the impact of previous clubs in Stonebow House. The venues were infamous for late night drinking, loud music and social disruption: complaints to police and environmental protection go back many years. These complaints relate to anti-social behaviour as crowds disperse, urinating and vomiting in the street, mayhem at the taxi rank and open drug dealing on the pavements and the steps of the Central Methodist Church, often in broad day light. These are pre-existing problems that will only get worse with a licensed venue of this size with residential apartments above, families with young children and vulnerable, elderly residents living a stone's throw away in Lady Hewley's Cottages. Consideration should also be given to the vulnerable visitors and groups, supported by the outreach services of the St Saviourgate Methodist Church.

Prevention of Public Nuisance

Noise and associated vibration from the building have been a major, well documented cause of nuisance in the past. The ground floor and basement walls are made of concrete, breeze block and glass and it is clear to see that no sound proofing has been installed. Previous attempts to soundproof the building's lower levels have been unsuccessful. This is a problem for local residents, many of whom live in the listed buildings on St Saviourgate with single glazed windows that let street noise in. Lady Hewleys Cottages attempted to mitigate this with secondary glazing with only limited success. Further noise, smells and vibration is caused by the banks of extraction fans attached to the side of the building at street level that are the subject of an enforcement order.

Sleep is regularly disrupted at closing time as drunken revellers make their way down the narrow street, shouting, fighting, ringing doorbells, urinating against buildings and discarding half eaten take aways along the street.

We anticipate increased litter from cigarettes, bottles, glasses and take-away containers. This makes the city centre an unpleasant place for residents and visitors to the city and adds additional burden to the council, who are left to clear up the predictable morning after detritus strewn along St Saviourgate beyond Stonebow House.

Increased traffic along St Saviourgate can be expected as delivery lorries struggle to park and unload due to the absence of a loading bay. This will cause a public nuisance as delivery lorries park in the taxi-rank bay or pull up onto the pavement. This is already an issue for residents (see attached photo) and will only get worse with increased deliveries. The use of the taxi rank bays for unloading will also have a knock-on effect for the taxis, who will be forced to wait in the residents parking bays (usually with their engines running).

Directing customers away from noise sensitive areas at closing time is vital but sadly not a realistic objective as the St Saviourgate taxi rank will be the obvious destination for departing customers.

Public Safety

A concentration of drunk and rowdy people, congregating for taxis at the end of the street, will be intimidating to vulnerable, young and elderly neighbours. Lady Hewley's Cottages have already had to install gates to their entrance path to deter drug takers and drunk people sleeping in their doorways. Unfortunately, even locked gates do not deter the most determined or inebriated.

Residents on St Saviourgate have come to accept that their vehicles will be damaged by drunks leaving city centre bars and that they put themselves at risk if they were to confront these people.

One of the planning conditions on the Stonebow House redevelopment was that there would be no storage of waste outside the building because of the risk of attracting vermin. This is an important point because with such a large venue, the waste must be stored inside and collected without causing public noise nuisance.

With such a large venue and high turnover of supplies, the increased traffic on St Saviourgate will be a risk to pedestrians. Combined with the blocking of pavements by delivery lorries, smokers and people queuing for taxis, the main route for residents to the city centre will be less safe. In particular, the provisions for wheelchairs and buggies are not sufficient at the taxi rank crossing and the junction with St Saviours Place is unsuitable for large vehicles (which regularly damage the protruding buildings at first floor).

Crocodiles of school children walk past Stonebow House daily on their way to the archaeological DIG and their path should not be blocked by parked vehicles and deliveries. Furthermore they should not have to deal with rowdy or anti-social behaviour resulting from this venue licence.

Saturation and Cumulative Impact

Stonebow House is on the edge of the CIZ, an area already recognised as under stress from the density of drinking establishments. It is entirely predictable that this area will come under increased pressure due to the size of the Roxy Ballroom venue and create a further stress point in the CIZ.

York has set out a vision that aims to put residents first and to be a family-friendly, welcoming city. This licence application seeks to attract the types of drinking groups that have made York

city centre a no-go zone for residents and families in recent times. This venue will be a magnet for stags and hens, exactly the drunken groups that are expensive to police and that York seeks to discourage. This is why this application should be rejected outright.

Yours faithfully,

The Residents Association St Saviourgate

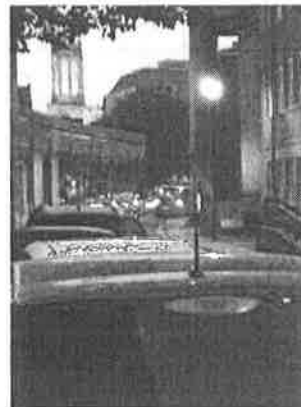
Photo 1.

Lorry unloading on the pavement, blocking access for wheelchair users and prams



Photos 2, 3 & 4

Taxi Rank Day and Night Time Overspill along St Saviourgate, blocking resident access



From:
Sent: 03 August 2023 22:15
To: licensing@york.gov.uk
Subject: RE: Roxy Leisure Ltd, Market Hall Stonebow House Licence application

Categories:

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

Many thanks for your reply Jacquie.

I am saddened that my objection cannot be accepted. I feel that yet another drinking establishment that is open such long hours will most certainly create more times of disorder and will most certainly be the cause of a public nuisance by extra noise in the area. I worry about my safety and the safety of others living in that area having to contend with drunken people. I also worry that any children in York with their families have to see groups of drinkers with phallic symbols wandering around yet another area of the city centre. I know many families who avoid going into the city centre when hen or stag parties are likely to be around and by extending those hours to include a Sunday that would mean yet another day that they feel unsafe in their own city. On occasions I take items into Care Cent for the homeless that operates from within the Methodist Church on St Saviourgate and I worry that vulnerable people using that centre may be subject to abuse from drinkers. Surely those are reasons enough for my objection to be considered. If it isn't then I feel extremely sorry for all those living, working or visiting those areas in future and I am saddened by the reactions of those people within the City of York Council

My address is: Howard Link, York, YO30 5UU and I pay my council tax to the City of York Council

I do hope that answers your questions and gives you additional details of my objections.

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: 03 August 2023 14:10
To:
Subject: RE: Roxy Leisure Ltd, Market Hall Stonebow House Licence application

Good afternoon

Thank you for you email,

I can confirm that an application has been submitted by Roxy Leisure Ltd for a premises licence (alcohol and entertainment licence) at Market Hall, Stonebow House, York. At this time your representation (objection) in relation to this application cannot be accepted, it is a requirement of the Licensing Act 2003 that representations made in relation to a licensing application must relate to one of more of the four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

If you want your representation (objection) to be taken into consideration when this application is determined, please provide additional information relating to the licensing objectives. Representations must be received by 17 August 2023.

It is also a requirement of the Act that a postal address is required of the person(s) making a representation.

Kind regards

Jacque

From:
Sent: 02 August 2023 18:20
To: licensing@york.gov.uk
Subject: Roxy Leisure Ltd, Market Hall Stonebow House Licence application

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

Dear Sir / Madam,

I have just heard that there is a planning application that has been submitted for a new 'drinking / nightclub venue' in Stonebow and that this will include an extension to the opening hours for alcohol to be served in the area.

I object to this application for the simple reason that this is a residential area with new properties in Stonebow as well as the homes that have been there for many years in the existing houses and flats in St Saviourgate. I have friends who live in the area and I want to be able to visit them without being concerned about having to navigate my way around drunken revelers in the streets. It is bad enough that I feel I can no longer go into events in York in the city centre on Friday and Saturday evenings due to the excessive drinkers that have taken over the area but to now have the worry that I couldn't attend some concerts held at two venues in St Saviourgate in the evenings or afternoons without having to contend with more drinkers around the area is not acceptable.

I urge you to consider carefully the application for a 'drinking bar / nightclub venue' in this area as it really is not a suitable one for it to be in. The area in and around St Saviourgate has some wonderful listed buildings and it would be very sad if visitor numbers to these places suffered because of an inappropriate venue opening nearby. I don't think that York needs any more 'drinking / nightclub' venues and the City of York Council should be considering ways of deterring more drinkers visiting the city but encouraging more general visitors and clear headed tourists.

Yours Sincerely

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

Reference Roxy Leisure Application for Grant of a Premises Licence under Section 17.

To whom it may concern.

We strongly object to the Council granting an alcohol licence to Roxy Leisure for use in the premises on Stonebow, York.

There have been previous incidents in this area where public nuisance has affected our life through alcohol being sold in the area.

Drunken people have used our property as toilets and for vomiting.

Couples have used our darkened areas to have sex!

The noise that would be produced from the Roxy Gaming property would travel through the area and cause disturbance to our sleep.

Bottles would be left on the pavements and litter would increase (all this we have previously experienced)

Vehicles would be passing our homes continually either Taxi or those that park as close to the venue as possible.

Although we do not reside on St Saviourgate we are on Aldwark and too close for it not to affect us. Access to our properties is through a private entrance and is often seen as a quiet place for inappropriate activities to follow, leaving the mess for us to clean up. (We have experience of this.)

Therefore we strongly object to any licencing being allowed in this area. (We objected and attended meetings on the last licencing application for this buildings use, which was NOT GRANTED.)

Regards

Aldwark.



Notice of application for the grant of a premises licence: Section 17 of the Licensing Act - Roxy Ballroom Stonebow House.

Wed, 2 Aug 2023 at 18:02

To - York City Council Licensing Team, Hazel Court, Eco Dept, James Street, York YO10 3DS.

From -
Lady Hewley Cottages St Saviourgate York.
6/8/23

Dear Sir or Madam,

I wish to Object to granting an alcohol license for Roxy Leisure, as above.

I live in the Lady Hewley Cottages reserved for retirees. I know that I am entitled under the Human Rights Act that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land. My home is directly opposite Stonebow House as is my garden, which is a few feet from their rear wall, down a street called Hungate.

It is obvious that Roxy's activities which will continue during the day and into the night will cause annoyance, irritability and sleep disturbance or deprivation and my rights as well as my neighbours, to a peaceful life will be no more.

This large venue will have a disproportionate impact on our small residential cottages.

The pavement in St Saviourgate is not wide enough for the large number of school parties who are visiting and leaving the Dig, as they walk alongside the taxi rank. The doors to the Roxy Ballroom will make matters worse, with customers entering and leaving, crowding the pavement, especially for those of us obliged to use a mobility scooter.

The activities advertised on the posters look like they need a specialist designed building for battle cages, ice hockey and bowling, with enough space outside for large groups to congregate.

I don't believe this is the type of activity for this street which is in a conservation area. I ask that you take my points into consideration and the application be turned down.

Yours faithfully

(15)



Lady Hewley Cottage
St Saviourgate
York YO1 8NW

3rd August 2023

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

Ref: Notice of Application for Grant of a Premises Licence under Section 17 of the Licensing Act 2003, Roxy. My objection

Dear Sir or Madam

I object to the licence for Roxy Leisure Ltd. Roxy Ballroom, Market Hall, Stonebow House, York, YO1 7NP.

I am in my late 70s and live in sheltered accommodation very close to this building. I am of the opinion that the type of customer which will be attracted to what is advertised on the website as being available in these premises will cause antisocial behaviour, heavy drinking, drunkenness, litter, dropped cigarette ends and noise. This type of establishment is likely to attract groups of young people, for example hen and stag parties. I quote from Roxy Ballrooms advertising: "The home of booze and ball games with the intention of bringing the playground to the bar with a huge variety of games all under one roof and massive rock and indie tunes". I object.

There has been a lot of antisocial behaviour in the past in this area, for example, vomiting and noise in the street and health and safety issues and I think that this type of commercial business will cause similar problems. I object. I would like to live the rest of my life quietly and in safety.

I raise the following points for consideration:

How many people could be inside the venue at any one time?

Storage of empty bottles and containers: when and where will they be emptied for collection? This could be a noise issue.

Deliveries of foodstuffs and alcohol. When will this take place? This could be a noise issue.

I object to any activity that will cause noise and public nuisance.

Page 2

I point out that this type of business should not be allowed by my City Council as they offer protection to residents in their 'My City Centre York Vision'. Under the heading 'York is an amazing place'... first and foremost... serve the needs of our residents that live here. By granting a licence, the City of York Council is not keeping this promise to its Residents.

This is a conservation area and should remain so. There are many Grade 2 listed buildings in close proximity, as well as two churches and a museum next door which caters for families with young children. The sheltered housing cottages in which I live are very close indeed to Stonebow House. We have a newly-built garden with a summer house and gazebo. Our garden runs down the side of Hungate Lane, along one wall of Stonebow House. We gather here for quiet activities and to enjoy the beauty of the garden. Our peace will be shattered if this goes ahead. I object to this sort of venue to be set up in a residential and conservation area such as this.

I object to the granting of this license. It should not be approved.

Yours faithfully

3.8.2023.

Objection!

Lady Hewley Cottages
St. Saviour's gate,
York.
YO1. 8NU

Dear Sir/Madam/Licensing Team/Panel,

I strongly object to the proposed licence for Roxy Leisure Ltd, Roxy Ballroom, Market Hall, Stonebow House, York.

I cannot believe that once again we are having to do this at our age.

The fact that they advertise their intentions as quote: "The Home of Booze & ball games with the intention of bringing the playground to the bar, with a huge variety of games all under one roof & massive rock & indi tunes"

I object strongly & cannot believe you would allow this to happen, in a residential area, especially as we are all elderly people & come to live here in a peaceful place for our health.

The booming noise from basses & loud music, not to mention when the customers spill out on the streets, shouting &

Sometimes breaking bottles & being sick will be unbearable. This may sound a bit dramatic to you, but we see it every weekend in York, a beautiful city wrecked by their parties & everything that goes with that.

I have heart failure, my husband has had strokes so I hope you will please help us in this matter. There are other places, not in the City Centre where people can enjoy themselves in this way, so why must it be here, next to our cottages.

This licence should not be approved.

Yours Faithfully

J.

16 A



To the City of York Licencing Team

Lady Hewley Cottages, St Saviourgate York, YO1 8NW

4th August 2023

Dear Mr Merrett/ Licencing Team.

Re: *Note of application for the grant of premises licence under section 17 on the Licencing Act: Roxy Ballroom, Market Hall, York.*

We hereby OBJECT to the application for a planning licence for the above.

In 2018, a similar application (Try Markets Halls, No CYC – 062590) was applied for, but not taken up due to Council restrictions. However, we believe the proposed new business is likely to be even noisier, and the neighbourhood disturbance is likely to be far worse.

Please note that our bedroom windows overlooks both Stonebow and Hungate Yard, and we were often previously disturbed in the late hours by crowds in the streets and large numbers of home-bound 'revellers' exiting these premises. Some even climbed into our gardens, and not to mention an increase in littering.

Please also note that we are both in our eighties, with health problems, as are many of our adjacent neighbours.

The Council claims to offer a duty of care to residents in 'My City Centre – York Vision' but we cannot see that this new 'entertainment zone' will improve our local quality of life in any way, in fact we feel that quite the reverse is likely to be true in this case.

It seems obvious to us that common sense should prevail, and that a licence should not be granted here. *We object!*

Your sincerely,

S

From: >
Sent: 07 August 2023 18:26
To: licensing@york.gov.uk
Subject: ROXY ENTERTAINMENT

Categories:

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

Hello Jacquie,

In addition to objections from other Unitarians, I would like to add the probable unease and discomfort of those many people at the Stonebow bus stop. Most people are elderly and may feel threatened by alcohol fuelled bad behaviour.

Vine Street York
YO23 1BB

Sent from my iPhone

From:
Sent: 09 August 2023 17:04
To: licensing@york.gov.uk
Subject: s. 17 Licensing Act 2003: Stonebow House - Roxy Ballroom

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

**Scarisbrick New Road,
 Southport,
 PR8 6PY.
 9th August 2023**

City of York Licensing Team,
 Hazel Court,
 Eco Depot,
 James Street,
 York,
 YO10 3DS.
 Dear Reader,

Section 17 Licensing Act 2003. Application for Premises licence.
 Roxy Ballroom, Stonebow House. – **Objection**

Lady Hewley Trust: Charity registered number - 230043

I write as a trustee of the Lady Hewley Trust which is a charity and owns the almshouses on St Saviourgate. The charity also owns land between the almshouses and the cul-de-sac leading off St Saviourgate bordering Stonebow House and the DIG. I believe that my co-trustees are also writing to you to place their objections. **I object** to the application.

I should be obliged if you would look at the town map showing the location of Stonebow House and its proximity to the almshouses which are homes for people over 55 years of age. They have need of this accommodation for various reasons; in other words for one reason or another they are vulnerable. I ask and hope that the licensing authority is sensitive to their needs. I guess that the Stonebow House (the premises) is about 50 yards from the almshouses. I hope the authority will bear this proximity in mind when considering this application. It occurs to me to wonder whether an alcohol licence in association with regulated activity on a scale of this business would be allowed so close to a care home

The trustees are not suggesting that there should be no entertainment or alcohol on these premises but we are asking for consideration for elderly residents who have had to forbear nuisance in the past.

My reasons for the objection are –

- concerns surrounding public order and noise, particularly at unsociable hours for elderly people;
- deliveries resulting in noise nuisance, loss of amenity and safety issues;
- waste storage and disposal, and the issues arising surrounding public health, storage, collection, litter, traffic and noise problems; and
- the blighting of the provision of further almshouses for the benefit of the public.

Noise and other nuisance by people, deliveries and waste collection

The noises of people outside the premises, with alcohol being on sale from 10.30, the sound of wagons, especially when reversing, and deliveries, especially casks and crates of bottles, anytime from 7.00, will be clearly audible in the grounds of the almshouses and in the upstairs bedrooms of the residents. The almshouses are listed buildings and so the noise nuisance cannot practically be contained. We are not

allowed to install double glazing or change the doors to provide noise insulation. The best we can do is provide secondary glazing, which is what we have done. Our residents' situation cannot be compared with the apartment owners in Stonegate House who are higher up and will no doubt have top grade insulated homes so that noise will be a minimal problem.

The opening times of the premises are set for 7.00 a.m. This is a large venue and our concern is that alcohol consumption will be large, demanding a lot of delivery vehicles. Deliveries and waste removal may commence from this time in the morning. I am assuming that the waste removal from the premises will be by way of the cul-de-sac separating the premises from the almshouse property and DIG because that is where the cages are. The same concern applies to deliveries to the premises if these are to be by way of St Saviourgate, where there is a taxi rank. With outside drinking in the summer months there is going to be a lot of noise nuisance to our residents who want to enjoy outside and the amenity of their grounds and summerhouse.

The closing times of 11.30 p.m. and 12.30 a.m. will mean in reality that, for the residents, they will be affected by the noise of people leaving the premises up to midnight and 1.00 a.m. respectively. York City is, after all, a top destination for stag and hen parties. Will our residents also be affected by the noise of staff clearing up and disposal of bottles etc in the waste bins in the cages in Hungate?

I suggest that it is unfair on residents that they have to suffer such noise nuisance this far into the night, especially if there is no condition preventing early delivery or waste collection in St Saviourgate and Hungate. If a licence is granted, experience suggests that there will be a further application to extend the hours until 3.00 a.m. or perhaps 4.00 a.m. For example, when Try Market applied for a licence they immediately put in an application for a 36 hour licence to sell alcohol over the following New Year's Eve and New Year's Day which shows a general business predisposition to extend the trading period when opportunities arise; e.g., when the snooker championships are held in the Barbican Centre or other big screen events for football/rugby/ world sport events, attracting many men or mixed parties, as in a sports bar. Is the licensing authority able to impose a condition preventing the applicant or any successor from applying for an extension of hours?

The trustees' real concern is the potential use of the whole area of the premises and the extension of the licence to this area. The risk of disorder increases with the consumption of alcohol, especially in the 18-30 year olds; and from advertising on the web, this appears to be the age-range targeted. Public disorder particularly in a residential area is unacceptable. The council will have records that previous clubs were operating in this complex before this development which caused considerable distress to our residents due to unacceptable noise at unsocial hours. I regret to say that the problem was solved, not by the local authority, but in the first club moving to new premises and, I understand, the second club having to move because of the owners' plans for this development with Try Market.

The trustees are not anti-alcohol but question the appropriateness of a hostelry this size with entertainment of this volume "next door" to a residential area. The Lady Hewley Almshouses have been in St Saviourgate for years and are held for people aged over 55 who are in need of the accommodation. Most of our residents are considerably older. Would a local authority normally entertain an application for a large drinking establishment so near to an old peoples' home?

I believe I say "drinking establishment" with cause. If the alcohol licence is not granted for the times asked, will the applicants proceed with the development?. If not, that tends to imply a heavy reliance on alcohol sales. The trustees therefore would ask that the licensing authority does not sacrifice the entitlements of the residents to ensure the applicants' financial viability.

A final point under this heading. All but one of our almshouses and the grounds are set back from St Saviourgate. The gate to the street is locked at night but it is not tall. Also the grounds can be accessed by trespass through neighbouring property. The residents have had to contend with trespass, homeless people rough sleeping and members of the public entering their grounds to urinate and defecate. The more people there are in St Saviourgate at night the worse these problems become, especially when the public are dispersing after "closing time".

Deliveries resulting in noise nuisance, loss of amenity and safety issues

The noise nuisance attributable to deliveries has been mentioned above but there will be further public nuisance in loss of amenity and public safety with regard to deliveries. It appears that there is to be no dedicated loading or delivery bays for the premises in St Saviourgate and I am given to understand that deliveries will be from there and not in the Stonebow. St Saviourgate, which is a small street, already has a dedicated taxi rank. Children and visitors to the DIG in St Saviourgate will be at risk as well as our residents and visitors to the Methodist Church. The likely consequences are that loading traffic will fill St Saviourgate and will spill into the cul-de-sac separating the premises from the almshouse property. This will create traffic hazards to residents and other pedestrians in St Saviourgate. Without conditions, the temptation will be to arrange delivery times early to avoid traffic but I mention above that this may be most unfair to our residents with regard to the extended period of noise nuisance they will endure.

Waste storage and disposal, and the issues arising surrounding public health, storage, collection, traffic and noise problems

I assume that the waste collection will be from the said cul-de-sac. Much of what I have written about deliveries applies equally to waste collection. The trustees accept that if conditions can be imposed limiting waste collection to business hours, it would be unreasonable to pursue this particular objection but there will still be noise nuisance to our residents. I'm assuming that collections will be frequent (at least once a day) given the volume of waste the applicants will generate and the fact that there is rat infestation in this area.

The question of facilities for the storage and collection of rubbish and recycling also raise issues of public health and safety. I have seen the caged recess built into the side of the complex fronting the said cul-de-sac. The trustees have had to deal with storage and collection of rubbish at the almshouses and have had to build a secure outhouse to house the almshouse rubbish collected by the waste disposal teams in order to prevent visible rat infestation. An unsealed caged storage will not do if there is rubbish left for any length of time, night or day. It will aggravate the current rodent infestation in the area. If the application is granted, can the authority insist on storage of rubbish and waste, secure from rodents? If so, this would go in large part to meeting this concern.

With use on this scale problems of littering are bound to increase. Litter in the City centre is to be deprecated, but is unacceptable in a residential area.

The blighting of the provision of further almshouses for the benefit of the public

I have mentioned that between the premises in question and the Lady Hewley Almshouses there are two plots of land. This means that there is no building dampening the noise at that end of St Saviourgate and the said cul-de-sac to protect our residents. The one plot is leased by the trustees and has been laid out as a garden with a summerhouse dedicating it for a recreation area for our residents. The other ("the almshouse plot") was purchased by the trustees with a view to erecting further almshouses. There was planning permission for a building here but this has expired. My recollection is that the permission was for part offices and part residences.

At present the almshouse plot is used in part for parking contractors' vehicles. We have just completed putting the boundary walls in order on behalf of the city council which is responsible for their maintenance.

I am told by the City Housing Office that housing accommodation is needed in the City. If this application is granted, the trustees have real concerns whether further almshouses on the almshouse plot would be viable. The issues for us would be, is it responsible to put residents immediately adjacent to this activity? Would it be possible to provide a comfortable home to a resident fronting the said cul-de-sac? Would a new permission to build residences be granted if this application succeeds?

Conclusion

I believe that if this application is approved without permanent conditions, vulnerable people, namely the residents of the almshouses, are not being protected. They have a right to peaceful enjoyment of their homes and to safety in their neighbourhood. Stringent conditions are needed to protect our residents.

I should just add my concern that no written notice of this application appears to have been given to the Trust as owner of neighbouring premises nor to the residents.

Best wishes,

19

License Authority,
Hazel court,
Eco department,
James St,
York
YO10 3DS
8th August 2023

Roxy Leisure Company, Alcohol License Application, Stonebow House

To The License authority.

I was shopping in York and shocked when I read the advert posters about the Roxy Ballroom fixed on the window of Stonebow House near the bus stops. I looked at the company on the internet. Stonebow is not the right place for a business like this. There are too many people outside St Crux church now and along the pavements & all round there, too much crush beside Marks&Spencers.

There are flats in the upper floors. It's a place that will be able to hold lots of people and make a lot of noise. I live in a flat myself and noise carries inside buildings. The space at the front of the Co op shop will be crowded and stop people getting in and out of the doors. It looks as if it will be open for the public to play games and drink all day until very late at night. Not a nice place for children to walk past. I wouldn't want my grandchildren to go into it. I think children are allowed in.

A lot of people live close by so I think it's not the right place for this sort of business. It will be too noisy, too busy, too many people, too crowded, too much drinking.

I object to it opening, please stop it before it starts. It will spoil this part of the city centre.

From

minimise the disturbance to residents of surrounding properties.

Yours faithfully



Re: Roxy Leisure Ltd, Market Hall, Stonebow
Date: 14th August 2023
OBJECTION

Dear Licensing Services,

I live in the vicinity of Stonebow House, and I'm writing to object to the above licensing application on the following grounds:

1. Prevention of Crime and Disorder

Roxy Ballroom aims to attract large groups of people and encourage all-day drinking, serving alcohol from 10 am. This is of concern due to the possible increase of anti-social behaviour in the Stonebow and Methodist Chapel area, where we already experience problems with drug dealing, rough sleeping, and aggressive behaviour in the street.

2. Public Safety

The St Saviourgate taxi rank is already a troublesome hot spot for the gathering of late-night and daytime drinkers waiting for a taxi, making it intimidating and unpleasant for residents and tourists.

3. Prevention of Public Nuisance

Discarded packaging from takeaways is regularly left in the street, along with vomit and sometimes blood. The stench of urine is a common occurrence. Rowdy drunken people often cause a disturbance along the street late into the night.

I am concerned we would see an increase in noise, anti-social behaviour, and criminal activity in the city centre if the Licensing Services grant the licence.

Kind Regards,

7, St Saviourgate
York
YO1 8NQ

22

From:
Sent: 14 August 2023 14:00
To: licensing@york.gov.uk
Subject: Re: Representations

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

Thank you, Hannah.

Market Hall, Stonebow House, York, YO1 7NP

A stag and hen offering it not what York needs. Venues such as this which encourage large groups of drinkers to come to the city contribute to Public Nuisance and Crime and Disorder. Local residents have the potential to be disturbed, as do families wishing to enjoy the city centre. Public Safety will be impacted due to the creation of a venue specifically targeting large drinking groups.

Kind regards,

Fosgate
York
YO1 9TF

From:
Sent: 14 August 2023 15:03
To: licensing@york.gov.uk
Subject: Objection to Roxy Ballroom premises licence

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

Dear sir/madam,

Re: **Objection** to proposed premises licence under section 17 of the licensing act: Roxy Ballroom, Market Hall, Stonebow House, St Saviourgate.

I would like to express my strong objection to this proposal.

I am a resident of one of the terrace of ten Lady Hewley Trust, Almshouse cottages, which front onto the side of Stonebow house which runs parallel to our front doors/windows. Access to our cottages is via the gate onto St. Saviourgate. We are a community of eleven, mostly elderly and some frail residents. We all moved here expecting a quiet life in our latter years.

Therefore, I believe that the noise from proposed loud music, etc - I quote "the home of booze and ball games" with the intention of bringing "the playground to the bar, with a huge variety of games and massive rock and indie tunes" and that caused by hundreds of, I am sure very happy and possibly drunk, punters leaving in the small hours, will be most intrusive and cause us much upset and sleepless nights along with the anti social behaviour that can result from such gatherings. No amount of asking them to leave quietly ever proves effective.

Of great concern too is the noise and disruption caused by deliveries at all hours, early and late and throughout the night. The lane that runs immediately between us, Hungate, is also where rubbish is stored and their emergency exits open directly onto. When bottles are emptied into the bins the noise is extremely loud and the DbA (decibel rating) goes sky high (It is narrow, dark lane frequented by druggies shooting up and rough sleepers and as a public urinal. The police are constantly active in trying to suppress this).

I am speaking out of years of experience having lived above a shop on the corner of Low Petergate facing down Stonegate, for 45 years, until 2 years ago when I moved here for a peaceful retirement.

A resident who was living here before me, when Fibbers was operating, found the disruption so great that she slept on the floor in the storeroom at the back of her cottage for weeks on end as she could not stand the noise. The other residents who have lived here longer than I, are today expressing extreme anxiety about this sort of problem recurring. We are very concerned about the effect this could have on our quality of life, to say nothing of our sleep.

I therefore feel that a business such as is proposed, is not appropriate for such a residential location as ours. I believe the City Council's vision under its recognition as a purple flag city supports this. I quote '13. Unlike the majority of UK cities, York has a unique mix of residential properties within its city centre and these residents often come into conflict with the night time economy as the mix of volume footfall combined with alcohol and the close proximity of shops, licensed premises and residential property often manifests in loud behaviour and disturbance.'" Report of the Director of Housing, Health & Adult Social Care (Portfolio of the Executive Member Housing & Safer Communities and Executive Member Economic Development and Community Engagement) December 1917.

I therefore object very strongly to this proposal on the grounds that, although it may be a great concept in principal, it is most inappropriate for its proposed situation in a mainly residential street.

Yours sincerely,

Lady Hewley Cottage,
St. Saviourgate,
York YO1 8NW

From:
Sent: 14 August 2023 17:54
To: licensing@york.gov.uk
Subject: Objection to premises licence by Roxy Leisure Limited

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

Dear Sir/Madam

We are writing to object to the Premises Licence made by Roxy Leisure Limited for Stonebow House. We have concerns regarding the impact on the surrounding area and community, as detailed below.

The Stonebow and surrounding roads, most notably Fossgate and Pavement, already have a high concentration of licensed premises. There already is a significant problem of noise pollution from customers leaving the numerous establishments and whilst gathering at the bus stops and taxi rank. We are concerned that the increased footfall from Roxy Leisure will add to this late night noise from customers that goes beyond the licensed hours of the premises. This already has an impact on residents in Stonebow House as well as neighbouring properties on Fossgate and St Saviourgate.

Litter (including vomit) and overcrowding are commonplace on The Stonebow in the area by the bus stops, and the entrance way to Stonebow House. Given that this is also where the entrance to the proposed premises are, we are concerned that this will lead to an increase in litter due to increased footfall and that the footpath will not be safe for pedestrians to access due to the customers arriving at Roxy Leisure. This is exasperated on York City matchdays when supporters are waiting here to get the bus to the stadium.

We are also concerned that this venue will attract large groups, including Stag & Hen parties. On a weekly basis I witness anti-social behaviour from large groups, some of which can often be identified as Stag & Hen parties. Behaviours include but are not limited to vomiting, urinating and foul & abusive language. The presence of these groups on The Stonebow will have a negative impact on families with children who use the bus stops outside the premise, as well as local residents.

We trust that these objections will be taken into account and please keep us informed of any further developments.

Yours faithfully

Apartment Stonebow House

From:
Sent: 14 August 2023 16:54
To: licensing@york.gov.uk
Cc:
Subject: RE: Objection to premises licence application

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

Dear Mrs. Helen Sefton, as requested I have added my address and just to confirm I'm one of the Trustees of the Almshouses And I'm writing as a trustee of the Almshouses in St Saviourgate. To Object to a new license being granted by the Licensing Authority.

Grounds for objection are as follows:

Elderly residents in the immediate vicinity are entitled to enjoy their accommodation in peace. There will be late night noise. There will be examples of public nuisance with alcohol being freely available for large parts of the day. If the roadway that separates our property from the Stonebow building is not "gated" there is a substantial risk of late-night revelers climbing over and into our property to get onto The Stonebow, much to the distress of our residents.

Kind regards

On 14 August 2023 at 15:18 "licensing@york.gov.uk" <licensing@york.gov.uk> wrote:

From:
Sent: 15 August 2023 11:54
To: licencing@york.gov.uk
Subject: Licencing application - Market Hall, Stonebow House, York, YO1 7NP - Objection

Categories:

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

On behalf of York Green Party I would like to submit the following objections to the above licencing application. I will address our objections under the heading of the Council's licencing objectives:

Prevention of Crime and Disorder

Roxy Leisure markets itself as bringing the 'playground to the bar' or 'The home of booze and balls'. This is the context in which the application needs to be seen.

By encouraging drinking – arguably to excess – it is likely to encourage disorderly behaviour around the venue. This was seen at the same venue when previous clubs operated there.

The likelihood of antisocial behaviour in the neighbourhood of the club is high.

This is a neighbourhood which has residential properties close by; some of these are the homes of vulnerable older residents. Their needs and interests need to be taken into account.

Prevention of Public Nuisance

Stonebow House is adjacent to a major set of bus stops for a number of regular buses. There are significant queues for these buses all day and during the evening. Being confronted by groups of people who have drunk alcohol to excess in unpleasant and potentially unsafe. The prospect of large crowds inhibiting access to the bus stops, urinating and vomiting on the pavements adjacent to the bus stops needs to be prevented. It would certainly be a public nuisance and potentially a health hazard.

It is quite clear that Roxy venues, whilst accepting smaller groups are designed for large groups - including hen and stag parties - and this is bound to involve stand up drinking and noisy behaviour spilling out into the street. The Roxy website quotes 'massive rock and indie tunes' and 'any size of celebration - small to large'. Much discussion in relation to the previous application centred around the extent to which the venue will a) attract and b) be able to control large groups such as hen and stag parties. It is clear in the case of the Roxy application that they definitely want to attract such parties.

Public Safety

Both crime and disorder and public nuisances are impediments to public safety.

Protection of Children from Harm

Whilst Roxy Leisure say that some of their venues (those designated Ball Rooms) are strictly 18+ and this one would fall in this category, a venue of this size (and potential attractiveness to under 18s) would no doubt pose a risk to children. Some will try to get in and may not be prevented from doing so. Some, congregating around the venue (not least because of the bus stops and the convenience store located nearby) will be exposed to the antisocial and

inappropriate behaviour which a large capacity venue of this kind selling alcohol throughout the day and evening is likely to encourage.

Cumulative Impact

I would like to further address the issue of the **cumulative impact** of the licence, should it be granted. York already has a large number of venues where alcohol is served. It is a magnet for hen parties and stag dos. They, in their number and because of the type of loud, alcohol fuelled and often antisocial behaviours are not universally welcomed by local residents in the city centre. This venue will increase the attractiveness of York to those kinds of events and make the situation worse, not better. The venue is located just outside of the Cumulative Impact Zone (CIZ). The impact assessment for that zone shows that one of the epicentres of noise, nuisance, anti-social behaviour and criminal activity is located within close proximity to the venue. In fact, agreeing to this license application is likely to extend the area in which such behaviour is prevalent, taking it even closer to residential areas on St. Saviougate, St. Saviour's Place/Spen Lane/St. Andrewsgate, the Hungate development and Stonebow House itself. Whilst such a venue might be attractive to certain groups it is clearly something that will negatively impact the quality of life of York residents who live nearby.

I call upon the Licencing Committee to refuse this application.

On behalf of York Green Party

Vice Chair - York Green Party
Member of the York Green Party Guildhall Team

From: [REDACTED]
Sent: 15 August 2023 12:41
To: licensing@york.gov.uk
Subject: Stonebow House - Roxy Ball Room application for a premises licence

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

I am writing as a trustee of the almshouses in St Saviourgate which is situated some 50 yards from Stonebow House. I object to the issuing of a premises licence for Stonebow House on the basis of wishing the prevention of public nuisance. The residents of the almshouses are elderly and vulnerable and are entitled to enjoy their accommodation in peace. People entering and leaving the Stonebow House premises will cause disturbance for the residents of surrounding properties, as will deliveries and waste removal during the day and at unsocial hours. I fear there will be examples of public nuisance with alcohol being available for large parts of the day. There is a clear danger of late-night revellers entering the almshouses property and causing distress.

I therefore ask that due consideration be given to the needs of the elderly residents living in properties adjacent to the proposed new development.

With thanks

[REDACTED] Avenue, Leeds LS8 1EH

Sent from my iPad

Licensing@york.gov.uk

, St. Saviourgate
York, YO1 8NN
15th August 2023

Dear Licensing@york,

Re: Roxy Leisure Ltd, Market Hall Stonebow House Licence application

As residents of , St. Saviourgate , we wish to **object** to the above licence application made 20th July 2023.

We understand that the proposed opening hours include from 9.00am on a Sunday with alcohol being sold from 10.00am and that alcohol will be being sold from 10.00am on every day of the week. Roxy Leisure Ltd appears to function as a nightclub-style venue throughout the day as well as in the evening and has a reputation for very loud canned music.

We believe the noise alone will make it unsuitable to be situated so close to a quiet residential area. The noise is likely to interfere with the atmosphere of peace and quiet in the neighbourhood, especially during the evening.

The noise and likely disorder are also highly unsuitable for the environment of our Grade 2* Listed Building. Selling alcohol all day long is a recipe for crime, disorder and public nuisance. The premises will become a **new source** of public disorder, noise, littering, fighting and general antisocial behaviour.

We already experience disorderly behaviour in this are with people leaving litter. With this new venue, open and selling alcohol basically all day long, this situation is bound to get much, much worse.

We also strongly believe that granting this licence to Roxy Leisure Ltd flies in the face of the very first point of the supposed "vision" of My City Centre York, which is to provide "a family friendly city centre". Drunken revellers do not make for a family-friendly city centre, and this business also threatens other parts of the vision, such as "an attractive city **at all times**" and "celebrating heritage...". If this licence application is allowed, it will likely greatly undermine the heritage of our area, which contains a significant number of heritage buildings in the city centre.

We therefore strongly encourage you to refuse this licence application. The premises are not in a suitable location for the proposed use.

Yours faithfully,

From:
Sent: 16 August 2023 11:48
To: licensing@york.gov.uk;
Subject: Notice of Application for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003. Roxy Leisure Limited, Roxy Ballroom, Market Hall, Stonebow House, York YO1 7NP

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

OBJECTION TO THE ABOVE

From: .ady Hewley Cottages, St Saviourgate, YO1 8NW

To the Licensing Team
Dear Sir/Madam

You will see by my address that I live in very close proximity to Stonebow House. The cottages have recently had a summerhouse built in the garden, which is very pleasing. Our garden wall runs parallel, within a few feet of Stonebow House along Hungate. The row of cottages being a listed building, there is no soundproofing, many window panes are fragile 19thC glass. The front walls are uninsulated single stone. Neither windows nor doors are soundproofed. In warm weather we would be entitled but unable to leave open our doors or windows due to noise pollution both during the day and night, causing detrimental effects to my life and the other elderly residents.

The granting of an alcohol license will trigger the go ahead for Roxy Leisure to open their gaming arena. Our cottages are too close to be situated to a large commercial enterprise such as this.

In this Conservation area and residential street there are apartments and peaceful daytime businesses such solicitors offices, as well as those living in listed buildings along St Saviourgate and the surrounds. All will be detrimentally impacted by this intrusive industry.

Try Market Halls was granted an alcohol license in 2018 which led to a Hearing by CYC in November of that year. The conclusion was that consent was granted, although restrictions were imposed and it wasn't opened. One particular restriction was that competitive drinking games should not be permitted and the venue should not become a standup drinking venue. Roxy Leisure advertises "beer pong" which is a standup competitive drinking game, shown on its website.

Roxy gaming has already been approved for opening by CYC in the now empty Top Shop, in Coppergate. Restrictions were imposed and they declined to use the opportunity granted. Instead they are applying for an alcohol license to operate in Stonebow House presumably because it's a much larger area where greater crowds are able to be accommodated.

Roxy dancing, batting cage fighting, bowling alley, pool, American Pool, Karaoke, Ice free curling, darts are noisy activities best provided at out of town industrial sites, where the nature of them will not be a problem. Try Market Halls were restricted to 'food led activity.' Roxy Leisure is not going down this route, they intend drawing in crowds all day, all evening and into the early hours, with loud competitive gaming and alcohol-led package deals.

There is surely a problem being created by alcohol sales on premises which are designed to be used by both adults and children. This is not what any council should be encouraging, particularly City of York Council, which at least in the past, has promoted our historic culture first and foremost.

To quote from Roxy Leisure's own advertising material, "The home of booze and ballgames with the intention of bringing the playground to the bar, with a huge variety of games all under one roof, and massive rock and indie tunes."

This is extremely explanatory --- a home of excessive drinking, a playground for children and childish adults to play riotous games, to excessively loud music. The protection of children from harm needs to be upheld.

This type of advertising will attract large groups of males and females, particularly stag and hen parties, encouraged by alcoholic package deals, interested in socialising with the intent of getting drunk. I understand CYC doesn't want to draw these types of visitors. "My City Centre Vision," dated 2022 states that its priorities put the needs of residents first. If this license is granted, it makes a mockery of the city council's own 'Vision.'

Huge venues such as this do not enhance a city centre but cause antisocial behaviour. They attract large crowds, blocking already crowded pavements and hindering the everyday activities of those who live and work here. A commercial industry such as this, would best be served outside the city boundaries, at Monks Cross or Vanguard where noise and groups meeting up before entry and after exiting, would not disrupt other citizens lives. They would also be well served by the Park and Ride bus service.

Roxy's entrance will be placed beside the Stonebow bus stops, which is already a constantly crowded area.

A compassionate approach to those of us who live here, along with business owners and their employees should be given priority. An overbearing, brash industry within the city limits is unwarranted, particularly if situated thoughtlessly, and inappropriately next to sheltered housing.

A further, most important point regarding the Lady Hewley Cottages is that should Roxy open, then in time the cottages usage would be rendered untenable. They were built for no other purpose than housing the vulnerable, guaranteeing them homes in an undisturbed tranquil setting. We are aware that the The Lady Hewley Trust is mindful of the distress in which we have been placed.

I therefore ask the licensing team members to imagine themselves compelled to live permanently next door to Roxy Leisure's acquisition of Stonebow House. I already know what their reactions and answers would be.

My objections are based on profound anxiety and ask you to reject the application. Please inform me when any future date for appeal might be.

Yours faithfully

It has been agreed by Rachael Maskell MP that I should forward her a copy of my objection.

From:
Sent: 16 August 2023 11:50
To: licensing@york.gov.uk
Subject: Notice of application for the grant of a Premises Licence under Section 17 of the Licensing Act. Roxy Leisure, Market Hall, Stonebow House. OBJECTION

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

Dear Licensing Committee

I include here an addendum to my own objection email, as I am acting on behalf of the residents of Lady Hewley Cottages.

Dear Sir or Madam

I am writing with grave concerns regarding a licence application by Roxy Ballrooms/Leisure in relation to premises in Stonebow House.

This property is directly adjacent to my residence Lady Hewley Cottages, which whilst accessed from St Saviourgate faces directly onto the premises concerned.

The licensing application is based upon the precedence that there was previously (some several years ago), a nightclub operating from around 10pm until late. This is remembered in less than affectionate terms by some of my neighbours, who recall the antisocial behaviour (to put it mildly) of our garden area being used as a toilet and residents waking up to find 'guests' sleeping within their gardens and premises. There remains considerable distress and anxiety associated with those memories.

In addition a resulting sleep deprivation 'enhanced' with the sound of bottles being emptied into the recycling bins and other boisterous breaches of the peace.

The application from Roxy Ballrooms/Leisure seeks to extend the opening hours to accommodate the complete annihilation of any semblance of peace, quiet and sanity, proposing to commence the assault upon our ability to exist peacefully, from around 10.00am with the delights of driving us mental, running on to the following 1.00am.

Lady Hewley Cottages is a collection of residences for vulnerable individuals who have impaired physical and/or mental health challenges and is specifically valued for the peace, quiet and serenity, so much needed by our individual circumstances.

The licensing application therefore submitted by Roxy Ballrooms constitutes a major and fundamental change to the license previously and originally granted and therefore cannot be rubber stamped on the basis of precedence standing.

I submit therefore that this application must be treated as a completely new virgin proposal and, therefore, referred to due Planning Application process and the Magistrates Court.

I would respectfully submit (having taken appropriate advice) that failure to take account of these submissions could most easily be construed as wilful neglect and leave the door wide open to criminal conduct constituting a breach of my peace, contrary to the Common Law of England.

I trust therefore that you will do your utmost to ensure the avoidance of any opportunity arising for such grave occurrences to have the remotest opportunity of foothold.

My neighbours and I have had assistance in setting down our concerns in this letter, having taken into consideration professional advice.

Yours faithfully

for Lady Hewley Residents

From:
Sent: 17 August 2023 11:16
To: licensing@york.gov.uk
Subject: Notice of application for the grant of a Premises Licence under Section 17 of the Licensing Act. Roxy Leisure, Market Hall, Stonebow House. Reference: Conversation with JANICE WHERRETT (phone conversation 10.10am.)

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

Dear Licensing Committee

Janet requested that I give the names of the residents of Lady Hewley Cottages for attachment to the email written by me on their behalf. I explained that many struggle with letter writing/emails etc. hence the action I have taken to help.

The email begins, Dear Licensing Committee
I include here an addendum to my own objection email, as I am acting on behalf of the residents of Lady Hewley Cottages. Dear Sir or Madam, I am writing with grave concerns regarding a license application by Roxy Ballrooms Leisure in relation to premises in Stonebow House.

- Names
- Cottage
- Cottage
- Cottage
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- Cottage
- Cottage

I hope this is what you require. Please let me know if you need more information.

Regards

From: [REDACTED]
Sent: 16 August 2023 13:44
To: licensing@york.gov.uk
Cc:
Subject: FROM RACHAEL MASKELL MP FOR YOUR CONSIDERATION

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

Dear Sir/Madam,

Alcohol License application by Roxy Leisure Limited to CYC Licensing Hazel Court. Premises to be known as Roxy Ballroom, Market Hall, Stonebow House YO1 7NP

Having met with residents from Lady Hewley Cottages and the surrounding area, I am very clear that Roxy Leisure Ltd should not be granted a licence for the Stonebow development, and the Licensing Committee must refuse this application.

Stonebow is located in a multipurpose area, where there is significant residential accommodation as well as a child-focused tourist attraction, 'Dig' run by York Archaeology Trust and at the Methodist Central Hall, Carecent, a homeless charity and Kyra, a charity to support women who are incredibly vulnerable.

Residential communities

Stonebow was developed into a residential complex, with residents living above the venue. Oakdale who were the developers of the site were clear, in making the application, that they believed that the venue would be suitable for retail use. When I met with them, they stated that a furniture store would be an ideal unit to occupy the place of the former nightclub. They went on to say that now that it was a residential complex a night time venue was no longer suitable for the complex.

Clearly residents have invested heavily in their luxury apartments right above the venue, and would be significantly impacted by the venue. Not only is the access to their apartments adjacent to the front door of the proposed venue, but their balconies extend to space above the venue. This venue was not determined when they purchased their accommodation, and this would cause significant detriment to the residents. There is also significant concern about access to their parking area, from the users of the venue. The parking area is above street level, and therefore is quite isolated, however, there is concern as to what it would mean to use this area in the evening/night with such a venue underneath.

The residents of St. Saviourgate, will be exposed to the greater use of the street at night, and wider antisocial behaviour by those visiting the venue as well as by the numerous taxis which already use the street. In addition to city licensed taxis, there will be an increase in the use of Uber taxis in the area picking up pre-ordered taxis, without safe parking for this trade. As a result of this, there will be greater challenges for ensuring public safety around the venue.

Spenn Lane and Aldwark residents have also expressed their concern as to the implications of having such a venue on the doorstep, and as there is generally more elderly and families living in this area, they are very concerned for what this could mean for them.

I have specifically met some of the residents from Lady Hewley Cottages. Residents living within this charitable trust are usually placed in this housing scheme because they are vulnerable individuals who have a physical impairment and/or mental health challenges, some of whom have experienced trauma. and specifically require a peaceful environment to live in. These residents are feeling very vulnerable, and some are experiencing significant levels of stress due to the licensing application.

When Fibbers occupied the venue previously, many of these residents were subject to antisocial behaviour, including within the bounds of the Cottages. Despite more security measures being put in place, members of the public can access the complex and they are very fearful of this.

Local facilities

The doors of the venue open onto Stonebow, which is heavily used by bus users. At peak times, this area is already crowded with commuters, and there is limited seating at the bus stop. To then have to contend with people accessing a busy venue, and possible queues outside of the venue, would mean that the area would become congested and could result in people who are walking down the street having to use the road to do so. The proximity of the bus stops to the entrance creates a risk and it could also result in people who are using the venue occupying the seating to smoke, use their phones, etc. Many older people and disabled people use buses in York, and therefore it may create conflict if the seats are occupied by groups of people rather than bus users. Many people have to wait for their buses and they need to sit down.

Carecent is located adjacent to the venue. Carecent provides breakfast, shelter and space to homeless and very vulnerable people in York. Already there is concern about the increasing use of the streets around Carecent by very vulnerable users once the centre has closed. However this venue would significantly increase the risk to these individuals. I believe that there should be a full risk assessment undertaken to assess the possible risks that licensing the Stonebow development would create to the users of Carecent. I understand this has not been undertaken.

Dig, is a children-focused attraction in York, run by York Archaeological Trust. Children use the venue throughout the day (it's opening times are 10.00 to 16.00). Groups of school children frequently visit the venue. In the light of this, there also needs to be a full risk assessment of the implications of having an 'adult drinking venue' adjacent to a child educational venue. In the light of the proposed licensing times, I believe that this creates a significant risk to children.

Kyra is also based at St. Saviourgate. Kyra is a charity for women who have experienced significant detriment in their lives, including trauma, abuse and harm. The charity is focused on building the confidence of women and enabling them to develop skills vital to being part of society. The women attending Kyra need a guaranteed safe space when attending sessions at St. Saviourgate. To place an 'adult drinking venue' adjacent to Kyra, could create significant risk and set women back, causing many of them to relive their experiences. Furthermore they may not be able to participate in vital, life-giving activities at the centre. I believe that another full risk assessment should take place to ensure that women have a safe space in the city.

Fossgate is developing into a family-focused community street in York. Much work has been undertaken to ensure that a café-culture develops in the area and having a heavy drinking venue opposite Fossgate risks disrupting the culture and ambience of the area. It could also significantly impact on the trade as it will change who engages with the street project.

The proposals

Roxy Leisure Ltd, have advertised that they are proposing to host a day and night venue which serves alcohol, and engages people in gaming and entertainment activities. They have applied for significant licensing and opening hours.

Opening Licensing

Monday – Wednesday 10.00 – 23.30 10.00 – 23.00

Thursday – Saturday 10.00 – 00.30 10.00 – 00.00

Sunday 10.00 – 23.00 10.00 – 22.30

The venue have also said that 'late night refreshments will be available between 23.00 and 00.00 Thursday to Saturday.

The venue will also host film and recorded music, as well as selling alcohol.

It is evident that the venue is designed for gaming, alcohol use and music/film, it is clearly marketed for groups of people, and all the residents I have met believe that this will be targeted at the hen/stag/party groups that come to York. From reading all the promotional material it is clear that the object of the venue is to sell alcohol, and to get people to compete in different forms of gaming, with the gaming and alcohol combination being used to drive up trade.

There is significant concern, not least as we now have a local authority administration built on strong values. The administration has stated that it will ensure that public health is central to all policy decisions and run throughout the council. The administration will therefore understand the serious public health concern for the harm being caused by excessive alcohol use, not only being a major cause of admissions at the Emergency Department at York Hospital, and a cause of significant harm, through high levels of use to individuals, where we are now seeing a high level of early onset diabetes, liver disease as well as cardio-vascular disease. There is a public health emergency resultant of the use of binge drinking, leading to addiction, and physical harm. I know that the public health team at the local authority are very concerned about the trajectory of this increasing risk. I believe that this venue would escalate the harmful use of alcohol.

The administration has further committed to bringing high quality jobs to York. However, this employer does not achieve this objective. Staff have described how their low pay, poor working conditions, employer flexibilities, and even reports of bullying of staff questions whether Roxy Leisure Ltd reaches the standards of employment that the administration has said that it wants to see in York, and whether it would meet the standards set out in the Good Business Charter, which the administration is also supportive of. Former staff of the company have highlighted how they have been promised a full contract, to then be handed just a shift, how payments have been late, how management have been rude to them, how there is poor training and how drinks at the venue can cost more than a worker makes in an hour. This is not the type of employer that is vital for building a strong economy in the city. Residents have strongly expressed their concern for the anti-social behaviour that this venue will create. Staff at other Roxy Leisure Ltd. venues have talked about their role in clearing up vomit from customers. There is real concern that customers will also urinate in the street. This is of particular concern for residents living in Lady Hewley Cottages, as this was a long-standing problem when the venue was used as a night club. It is clear that security will become a major issue, and North Yorkshire Police have previously spoken of how it is important to be able to contain the anti-social behaviour. This spreads this out further in the city and creates more policing challenges in the city, not least with the drinking hours so extensive.

Residents have also advised of the detriment they faced when the nightclub was in operation. The fire doors would often be opened, and the sound from the venue would increase. They would hear music with doors open or shut. They would hear deliveries at all hours, and this could cause incidences to occur on St. Saviourgate. They further described how the putting out and collection of glass bottles caused significant noise for the residents. This will occur immediately adjacent to their garden, which has been newly designed so residents can make the most of their outdoor space. They should not be forced to stay inside.

The residents are very worried about the abuse they are likely to receive from people using the back alley. In the light of this significant risk and the vulnerability of residents. It is disappointing that Roxy Leisure Ltd have not undertaken community engagement prior to making their application for a licence. They clearly have no understanding of the area and the risks that they will create, and have, instead, identified a venue that will work for them. However, it is worth noting that their other venues are not placed in quiet residential areas, rather shopping complexes, like in Leeds, where vulnerable residents are not impacted. I would therefore argue that City of York Council would be negligent to grant Roxy Leisure Ltd a licence for this location.

When Fibbers held a licence for the sale of alcohol, there were many problems created for residents in the area. Since it closed we have seen more residential use of the area, with more properties planned for Hungate. This is now essentially a residential area in York, with some community venues. It would be wrong for the licensing committee to follow the argument that because licensing was granted in the past, that it should be granted again. Not only is the area very different today to how it was back then the community groups are also very different. The venue and licensing hours are very different too.

I have received strong and convincing representations from the communities around Stonebow and would strongly argue that this whole concept is wrong for the city. If York wants to become a hen/stag/party venue, and preference profit and alcohol use over the needs of local residents, create low grade, poor employment, then this is the type of venue that would achieve this. I believe the new administration wants to ensure that residents have a real franchise in their city, that their services are accessible and that their council hears their concerns and responds to them. There is a clear need for further work to understand the multiple risks presented in this application. Without the risk assessments undertaken, I urge the Licensing Committee to refuse this application.

Yours sincerely,

Rachael Maskell
MP for York Central

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From:
Sent: 17 August 2023 09:57
To: licensing@york.gov.uk
Subject: Re: Objection

Categories: Helen

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Hi

My address is lady hewley cottages

Sent from [Outlook for Android](#)

From: licensing@york.gov.uk <licensing@york.gov.uk>
Sent: Thursday, August 17, 2023 9:43:36 AM
To:
Subject: RE: Objection

Dear

Thank you for your email, I am unable to accept without an address. Please can you reply before the end of today for me to accept your representation.

Kind regards

Helen Sefton – Senior Licensing Officer

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

City of York Council | Public Protection

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

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From:
Sent: 16 August 2023 17:05
To: licensing@york.gov.uk
Subject: Objection

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

Dear sir

I would like to register my objection to the granting of an alcohol license to roxy ballroom stonebow york

I object because it is my belief that this will lead to anti social behaviour and disturbance of the peace.

I am a resident of lady Hewley cottages. A group of retired persons who enjoy and need to live in a peaceful environment. The noise and possible anti social behaviour will not be compatible with peace and quiet.

The operation of premises serving alcohol in this location in the past did indeed lead to many problems with such anti social behaviour. Namely, for example, noise into the early hours, vomit on the pavements and damage to cars on the street.

Thank you for taking my objections into consideration.

Yours sincerely,

Sent from Outlook for Android

Sent from Outlook for Android

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From:
Sent: 16 August 2023 23:52
To: licensing@york.gov.uk
Cc: Cllr. D. Merrett
Subject: Applicant: Roxy Leisure Ltd Premises Address: Market Hall, Stonebow House, York, YO1 7NP Summary: Application for a New Premises Grant: Representation: OBJECTION from ****

Categories:

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

Dear Licensing Team,

We **strongly object** to the above application by Roxy Leisure Ltd to open an all-day drinking and gaming establishment in our street in St Saviourgate, which is a residential area for families, and vulnerable elderly people in Lady Hewley's Cottages, and vulnerable homeless people who use the Carecent immediately opposite this proposed venue.

Protection of children from harm

It is proposed that alcohol be available from 10am until 11.30pm or later, 7 days a week. Surely this is totally inappropriate when the venue is situated immediately next door to The Dig in St Saviour's Church, which welcomes large parties of young school children all day every day from 10am to 4pm? The children regularly form a crocodile along the street right next to Stonebow House; are they to be exposed to the antics of stag and hen parties which are obviously the target clientele of Roxy Leisure Ltd.?

Public Safety

The main entrance to the proposed venue is immediately adjacent to several city centre bus stops on The Stonebow, at which queues of mainly elderly people wait on a regular basis. Releasing drunken hen and stag parties onto such a busy pavement from 10am onwards is not going to be popular or safe. This is also where the customers will exit to smoke cigarettes.

There will be a big increase in taxis using the St Saviourgate taxi rank especially late at night to collect people from this venue and the taxis invariably speed down the street, wait in residential parking bays when the queue is too long and leave their engines idling so that the residents get a house full of petrol fumes.

Prevention of Public Nuisance

We also believe that granting this licence to Roxy Leisure Ltd flies in the face of the very first point of the supposed "vision" of My City Centre York, which is to provide "a family friendly city centre". Drunken revellers do not make for a family-friendly city centre, and

this business also threatens other parts of the vision, such as "an attractive city **at all times**" and "celebrating heritage...". If this licence application is allowed, it will likely trash the heritage of our Georgian street, a significant heritage street of Grade 2* listed buildings in the city centre. Furthermore, these properties cannot be soundproofed from the noise from this venue because of their listed status.

There are residents living in the many apartments in Stonebow House above the proposed venue whose amenity will also be negatively affected.

Prevention of Crime and Disorder

We know from experience that a venue like this will cause noise and disturbance to the local residents e.g. loud music at the venue; emptying glass into bottle banks at closing time; discharging drunken revellers into a residential street late at night where they will shout and fight and urinate and damage cars and property; vandalism and trespass into private gardens.

We can expect to find discarded takeaway food on our window ledges and the odd broken bottle on the road. Added to this are the early morning deliveries and bottle collections via St Saviourgate and late-night bottle disposal down the side of Stonebow House. **This is a residential area so start putting residents first like you claim to do in your "Vision"..**

St Saviourgate and Stonebow House are situated just on the edge of the blue boundary line of the City of York Cumulative Impact Area as shown in City of York Council's latest review document. The number of licensed premises here has reached saturation point.

Please consider the impact such a venue will have on all of the local residents as well as the City of York and **refuse** this license application.

Yours faithfully,

St Saviourgate
York YO1 8NN

Greenside
Ryton
NE40 4JA

City of York Council Licensing Team
Hazel Court
EcoDepot
James Street
York
YO10 3DS

16th August 2023

To whom it may concern

I am writing as a Trustee of the Lady Hewley cottages (St Saviourgate) in respect of an application for a Premises Licence at Roxy Ball Room, Stonebow House, YO1 7NP.

I would like to OBJECT to the application.

The grounds for my objection are as follows:

I believe that the granting of a license will create a **public nuisance** which will adversely affect the residents of the cottages (and indeed other people who live nearby). The nuisance will come from the following sources:

1. Noise and disruption to an elderly resident population. Stonebow House is next to a residential street, and in particular is immediately adjacent to the Lady Hewley cottages which are homes for residents over the age of 55, many of them rather older than that and most of whom live alone. This makes them a vulnerable population.
The hours of operation proposed potentially start early and finish very late. The morning deliveries – which will involve transport of bottles, and reversing vans/lorries – will be noisy and constitute a disruption.
At closing time, which is as late as 0030 at the weekends, will provide another point of noise and disruption. The clientele may well be drunk and are unlikely to leave quietly.
Furthermore, the gaming-based nature of the venue means it will attract groups rather than individuals and this amplifies the likelihood of a noisy departure.
The clean-up and disposal of rubbish – particularly glass bottles – is very noisy and will inevitably wake the residents whose windows are in direct line from the refuse areas at the back of Stonegate House.
I believe this raises the unreasonable risk of regular disruption to city residents who could reasonably expect undisturbed rest late at night and early in the morning.
I note the request to extend the hours even later on most public holidays which will make this issue worse at such times.
2. Ingress of unwanted persons to the premises. The cottages are designed to be easily accessible for elderly people, and therefore do not have complex security arrangements. By bringing groups of people to the area throughout the day – and particularly after dark – the likelihood of intrusion is increased. We have experiences issues with rough sleepers in the

past, and can only expect more problems as a result of the activities of the proposed Roxy Ball Room.

3. Generation of food waste. The application mentions late night refreshment and my expectation is that this will generate food waste which will then be disposed of either in the refuse area by staff, or directly on to the streets by late night clientele. This will exacerbate the already considerable rodent nuisance in the area.

The application presents as a gaming facility, but the principal aim is not to providing gaming amenities. The request for a license illustrates that the principal objective of the business is as a drinking venue, differentiated from other drinking venues by the provision of games. A survey of the other locations of Roxy Ball Rooms across the country shows them consistently located in city centre locations, in close proximity to other leisure industry outlets. They are never placed in residential contexts.

I therefore feel that the proposed use of this space is inconsistent with its location and would ask you to consider rejection of the application.

Yours sincerely

Trustee of Lady Hewley's Charity

From:
Sent: 16 August 2023 22:10
To: licensing@york.gov.uk
Subject: Premises Licence Application for Roxy Ballroom, Market Hall, Stonebow House, York YO1 7NP

Follow Up Flag: Follow up
Flag Status: Flagged

Categories:

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To whom it may concern,

I wish to object to the Premises Licence Application for Roxy Ballroom, Market Hall, Stonebow House, York YO1 7NP.

My grounds are:

- The Roxy poster currently displayed in the Market Hall windows is misleading. The poster states: 'Our aim has always been to create a fun and competitive atmosphere for our guests with gaming at the heart of it'.
- A 'fun and a competitive atmosphere' may be Roxy's aim, which suggests that Roxy's 'guests' desire no more. However, Roxy's website makes clear that 'booze', not gaming, is truly at the heart of their aim. To quote from Roxy's website: they are 'The home of booze and ball games', 'Roxy brings the playground to the bar'. This suggests that their ideal 'guests' do desire more, namely a booze-fuelled 'fun and competitive atmosphere'.
- Thus, the Ballroom would encourage, and Roxy would likely target, yet more hen and stag parties and excessive drinking in York City Centre; aided, no doubt, by Roxy's 'drinks packages'.
- And it would do so in a largely residential area of the City. Nearby quiet streets would become pathways and toilets for rowdy antisocial behaviour, going past midnight on Thursday, Friday and Saturday.
- The taxi rank on St Saviourgate would become even busier. This would make St Saviourgate and St Saviour's Place more dangerous for pedestrians and parked cars, as taxis already turn sharply from The Stonebow and Peasholme Green, driving quickly for new fares at the rank.
- The entrance to the Ballroom would increase pedestrian congestion on The Stonebow pavement, as many people, including parents with children and the elderly, now wait there for buses during daytime and evenings.
- Lastly, the Ballroom would contribute to York's sullied reputation as a hen, stag and drinking party destination - when York would better be served by a reputation for being a family friendly, historic, safe place to live and work.

Kind regards,

Aldwark, York, YO1 7BU

Peasholme Court
The Stonebow
York YO1 7AD

16 August 2023

City of York Licensing Team
Hazel Court
Eco Depot
James Street
York YO10 3DS
Sent by email to: licensing@york.gov.uk

Dear Sir/ Madam/ Licensing Team/ Panel,

Re. The application by Roxy Leisure Limited for the grant of a Premises Licence under Section 17 of the Licensing Act 2003 – OBJECTION

I live in close proximity to Stonebow House. I object to the application by Roxy Leisure Limited for the grant of a Premises Licence in respect of premises to be known as Roxy Ball Room, Market Hall, Stonebow House, York, YO1 7NP

I object because I have serious concerns about the potential disturbance to the peace and safety at The Stonebow due to late-night entertainment and the availability of alcoholic drinks. The type of customers the business is likely to attract would create the noise or public disturbance late at night that would have a detrimental impact on the peace of the neighbourhood or innocent bystanders.

The alcohol license if granted will cause disproportionately unfair disadvantage to residents of the neighbourhood. An alcoholic, commercial, money-making venture should never be allowed near people's homes.

I therefore consider that the licence should not be approved.

Your faithfully,

From:
Sent: 17 August 2023 20:41
To: licensing@york.gov.uk
Subject: ROXY

Categories: Helen

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

To the Licensing Team

York City Council

Dear Sir or Madam

Notice of application for the grant of a Premises Licence under Section 17 of the Licensing Act

Roxy Leisure/Stonebow House

Objections to the above application being granted

OBJECTIONS

I write IN DESPAIR regarding the above license applied for by Roxy Leisure, which I saw attached to the windows of Stonebow House.

Having seen the website I strongly believe that the type of activity offered would be better placed well away from day to day life of our beautiful city centre. There are safety factors to consider, particularly regarding the well being of children. This not a family friendly venue when alcohol appears to be held up as a main attraction.

It will be inconvenient to catch a bus at the three bus stops which are directly in line with the doors. Crowds can cause antisocial behaviour especially when alcohol is a factor

As the plan is to run the operation of bowling, dancing and competitive games from the morning until the following morning there will be no respite from this nuisance. Seven days a week is extremely antisocial.

I have learnt that deliveries will operate at any time after 8am, making the one way street of St Saviourgate's pavement a safety hazard for pedestrians as pallets are liable to block their progress; the children passing along to the Dig, as well as the taxi rank being inconveniently impacted.

The likelihood that this will become a focal point for hen and stag mornings, afternoons and nights is worth noting. I am aware that the city has a document called My City Vision, which is intended to uphold family friendly values as well as it's spectacular world renowned historical monuments, architecture and archaeological heritage. This proposed venue is in direct opposition to the values set out in the Vision.

I therefore strongly object, and ask that this license be turned down in the interests of the majority of your tax payers, rather than allowing one huge venue to ruin the city's culture.

Yours faithfully

Dringthorpe Road

York YO24 1NF

Your Ref;

Station Parade,
Harrogate,
North Yorkshire.

Chief Executive Ian Floyd,
City of York Council,
West Offices,
Station Rise,
York, YO1 6GA,

15th August 2023

Dear Mr Floyd,

RE: NOTICE OF APPLICATION FOR THE GRANT OF A PREMISES LICENCE - UNDER SECTION 17 OF THE LICENSING ACT OF 2003 BY ROXY LEISURE LIMITED, ROXY BALLROOM, MARKET HALL, STONEBOW HOUSE, YORK, YO1 7NP

I write regarding the above application following a meeting between myself and residents of the Lady Hewley Almshouses, located just off St Saviourgate, which face directly onto the rear of Stonebow House, having been contacted by the residents through my voluntary work for vulnerable people and my connections with the charity Mainstay, based in the Priory Centre, Priory Street, York.

Mainstay is a charity specifically providing assistance to those who are most vulnerable in our community suffering mental health challenges. I have previously assisted the residents of the Lady Hewley Trust Almshouses when they contacted Mainstay for help some years ago.

The Lady Hewley Trust Almshouses are listed 18th century dwellings specifically for people who are elderly and vulnerable and need a sanctuary of peace and quiet and stress free environment in the latter years of their life. Further information can be seen here; <https://theladyhewleytrust.org.uk/almshouses/>

The buildings themselves are of such historical importance they cannot be modified with the installation of modern windows and doors, nor any form of double glazing or other soundproofing processes, with small paned leaded windows.

The above is specifically relevant and should be a priority consideration as the Almshouses are just 40-45 yards from the Stonebow House, and specifically the part of Stonebow House to which the application applies. The closest residence is 40 yards (120 feet) from the rear doors of the proposed venue, whilst the furthest residence is 45.6 yards (137 feet) with no structure in between to provide any sound deadening whatsoever.

I must therefore express a number of serious concerns regarding this licence application that will have a direct destructive effect upon the quality of life of the residents that has already induced feelings of distress, anxiety, despair and depression, which is clearly therefore detrimental to the good health and wellbeing of the residents I have met.

The licensing application is based upon precedence that there has previously been a night club operating in the said premises some several years ago that was from around 10 pm until the early hours of the morning. This is remembered in far from exuberant terms by those residents who were present at that

time, and from my own memories was a source of regular police attendance for ant-social and criminal behaviour. I have been informed by the residents I have spoken to of their memories of waking up to find people sleeping off the effects of alcohol along with vomit and faeces and drug paraphernalia in their gardens. It is hardly surprising therefore that the thought of this intrusion returning is causing considerable distress to put it mildly.

This would no doubt create significant sleep deprivation and therefore be of further detrimental effect on their health and wellbeing. Add to this the sound of vast quantities of bottles being emptied into the commercial waste wheelie bins for recycling directly over the rear fence of the garden and we have a situation that is effectively a "welcome to hell"!

The previous nightclub operated from 10 pm in the evening. Roxy Ballroom Leisure has applied to extend the licence to accommodate opening at 10 am in the morning! This would run continuously until 1 am the following morning. In my experience (having served 27 years in health care, of which many years were spent responding to critical crises calls to talk people out of suicide), this application is a recipe for mental health disaster.

The Lady Hewley Trust Almshouses home a collection of residents who are vulnerable individuals, having impaired physical and/or mental health challenges and is very specifically valued for the provision of peace, quiet and serenity that is paramount to the individual needs and circumstances of those who are fortunate to have been chosen by the trust to take up residence.

The licensing application now submitted by Roxy Ballroom Leisure is not simply a re-issue of an existing licence but in fact constitutes a major and fundamental change to the licence previously granted to the nightclub and therefore cannot be simply accepted on the basis of the precedence previously set.

The previous license was for the provision of allowing music and dancing with alcohol. The business operation of the applicant is in their own words to create a playground within a bar ! This joyful approach to gay abandonment of responsible drinking includes competitive drinking games such as standup "beer pong" which is a competition to see who falls down the first !!!!!, as shown on the applicants own website.

As if this is not enough to confirm the total irresponsible attitude of the company, their declarations continue with the glee filled prospects of clients enjoying the violence of batting cage fighting, bowling alley, pool, American Pool, Karaoke, Ice free curling and darts, to name just a few of the anti-social delights on offer that are without any doubt what-so-ever, far from gentile and civilised noise free play.

In yet more addition, Roxy Leisure's very own advertising material states openly they are "The home of booze and ballgames with the intention of bringing the playground to the bar, with a huge variety of games all under one roof, and massive rock and Indie tunes", all of which are supported and fuelled by copious quantities of booze and a culture of encouraging competitive binge drinking.

I must congratulate the applicant for their honesty in their advertising being so self explanatory; a home of enthusiastically encouraged grossly excessive drinking (no doubt further facilitated by special offers of cheap deals and happy hours etc.), being a playground for riotous games accompanied by excessively loud music.

And let us not forget the children. Heaven forbid they should be left out, as the applicant openly welcomes children into this culture to feel inclusive and a part of the companys all caring open arms desire to corrupt the little darlings from the earliest age possible. The protection of children from harm

needs to be upheld. If the applicant were a registered child molester or sex offender, quite rightly the threat to the welfare and safety of children would be recognised and acted upon.

I would submit that in this case, the applicant must surely be considered in similar terms, as encouraging drunken violent activities in clear eyesight of minors is psychologically attacking the safe and responsible development of the mindset of the next generation. Little wonder we have a broken society when children have been subject to a lack of moral standards through increased drug and alcohol abuse since the Labour government of Tony Blair deregulated drinking hours and alcohol binge drinking and drunkenness increased massively. Surely the City of York council cannot continue to uphold such practices, having declared itself a "City of Human Rights".

Is it right and appropriate for the City of York Council to actively engage in the education of children in the art of getting their brains saturated in alcohol and violence and skilfully executed talents for breaching the peace to prepare them for being a sound and valued member of our future society ? ... I personally believe not !

With blatant gay abandon of so many human rights of both residents and visitors alike by City of York Council, surely the time to change such conduct is overdue and the much needed protection of our children be recognised and acted upon without further negligence of duty to those who cannot protect themselves, or will the protection of the vulnerable be an acceptable sacrifice for the maintenance of the on-going destruction of society morality and the commercial interests of a few be deemed the greater goal?

With this type of advertising, it is not rocket science to see this will attract large groups of male and female booze purposed visits, particularly the renowned stag and hen parties that York is now famous for, or should that be infamous?, with the streets increasingly being used as toilets as people urinate at will in public view (being far too drunk to care) and the pavements an open vomit puddle dodging exercise, facilitated and encouraged by cheap booze package deals, intended solely for the intent of getting drunk.

The resulting foul and abusive language that threatens and intimidates those around is witnessed daily in every street in the city centre, with fights and drunken intrusion to the peace and ambience of this historic city being "the norm".

The main entrance to the proposed venue will be located directly adjacent to the Stonebow bus stops, which is already a constantly crowded area during normal daytime hours, and increases to virtually impassable at peak times by fit and healthy pedestrians, let alone those with disabilities.

I appreciate City of York Council is seeking to eliminate the disabled from being present in the city as some sort of embarrassment, with the open and blatant discrimination against them with the banning of blue badge parking and therefore, withdrawal of the ability of such persons to visit and shop. I find this open discrimination that is clearly and unashamedly contrary to the declaration of human rights and all English law to be repugnant and abhorrent, speaking here from a very personal position. Where is the City of York council declaration of itself being a "City of Human Rights" evident here?.

City of York Council has previously stated it doesn't want to draw these types of visitors. "My City Centre Vision," released in 2022 states that its priorities are to put the needs of residents first - is this a joke?. I fail to see any evidence of this what so ever on multiple fronts! If this license is granted, it makes a mockery of the city council's own "Vision" and confirms yet again that the council says one thing but does another.

The applicant has already been approved by City of York council to open an identical venue in what used to be Top Shop, located in Coppergate. In the application for a license for those premises, restrictions were imposed in relation to considerations to the residents in the dwellings above and in close proximity. As a result, Roxy Ballrooms Leisure have now declined to use the opportunity granted. This I believe speaks volumes about the nature of the proposed business activities and the true intent of the applicant.

The result is that now, they are applying for a license to operate in Stonebow House, being it's a much larger area where greater crowds are able to be accommodated and more booze sloshed down the necks of binge drinking focussed parties of frankly lawless minded people who can easily be influenced to get their brains soaked to fuel the profits of reckless debauchery..... Welcome to York ? Home of the civilised ?

I can barely imagine a more inappropriate suggestion for the use of these premises and therefore an inappropriate application for a licence associated therewith, and I assure you after 27 years of working frontline pre-hospital emergency health care, I have seen things no-one frankly should see, and have a vivid imagination!

It is my submission therefore that this application must be treated as a completely new virgin proposal for these premises and therefore referred to a full planning application process and therefore the magistrates court.

I would further submit that failure to take account of all of these submissions would most easily be seen to be a wilful neglect of duty in public office, and leave the door wide open to allegations and possible charges of criminal conduct relating to a breach of the peace of the residents of the Lady Hewley Almshouses that is contrary to the Common Law of England. There are other matters of Law that concern me relating to these concerns being considered with the most serious application of thought.

It is my sincere hope that you will do your utmost to ensure the avoidance of any opportunity arising for any threat to the security of the residents of Lady Hewley Trust Almshouses whether through a criminal conduct intrusion into their lives or an intrusion into their peace, quiet and mental health wellbeing.

If not already clear, I must make it abundantly and unquestionably clear that this is quite possibly one of the worst suggestions for any planning application I have ever had the misfortune to be made aware of and therefore object in the strongest possible polite terms.

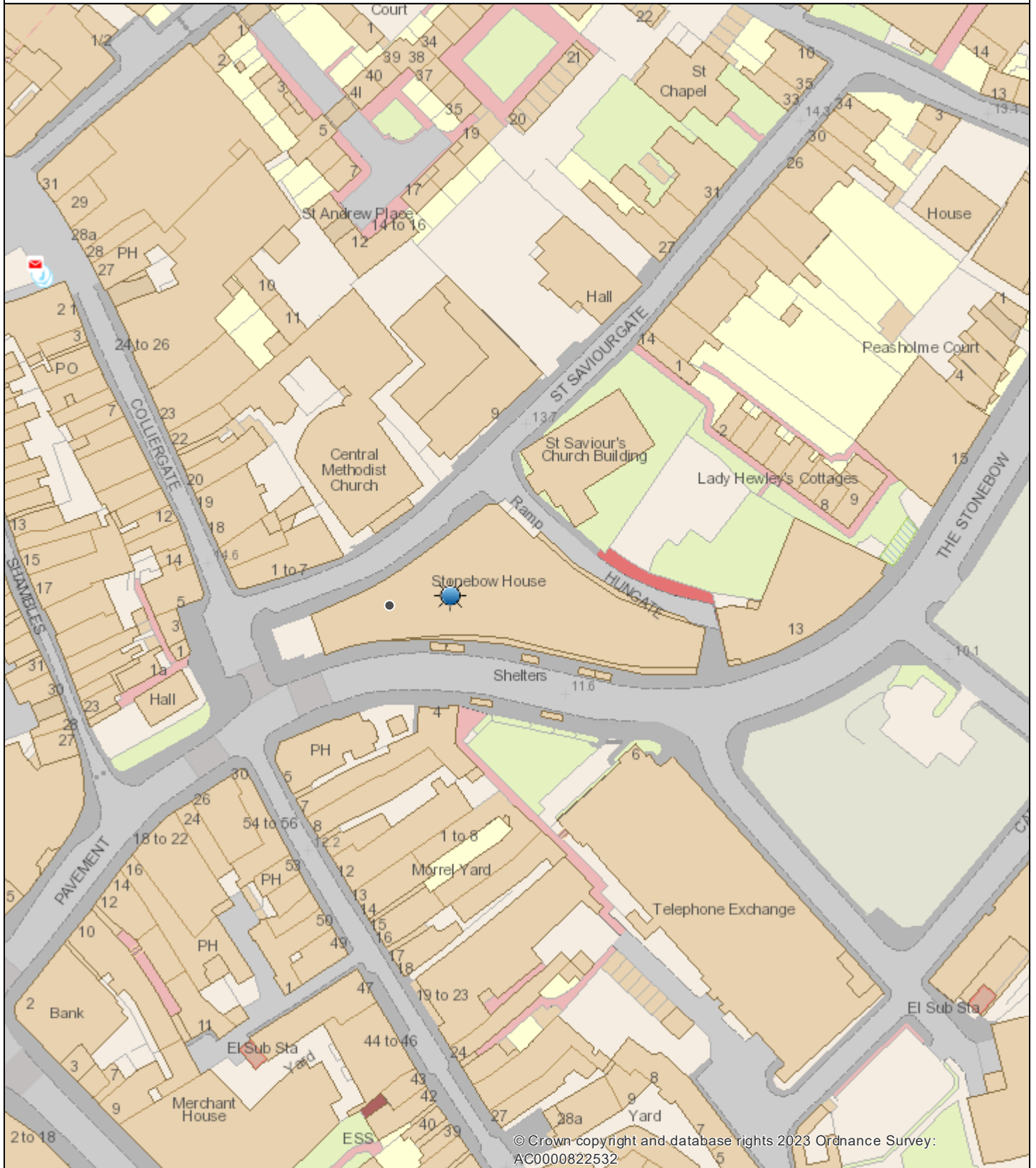
I therefore with-hold my consent from this contract Roxy Ballrooms Leisure are attempting to subject me to.

Yours faithfully,

J

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Annex 7 Map



Date: 18 Aug 2023

Author: City of York Council

Scale: 1:1,250



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MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE LICENSING ACT 2003

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence,or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

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

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

Amended 24/04/17