

## Licensing/Gambling Hearing

**To:** Councillors Mason, Pearson and Wann

**Date:** Monday, 24 May 2021

**Time:** 5.30 pm

**Venue:** Remote Meeting

### AGENDA

#### 1. Chair

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

#### 2. Introductions

#### 3. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 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 the minutes of the Licensing Hearing held on 8 April 2021.

## 6. The Determination of a Section 18(3)(a) Application by Co-operative Group Food Ltd for a premises licence in respect of Co-op Hallmark House, Ground Floor, Chocolate Works, Campleshon Road, York, YO23 1PX (CYC-068304)

Democratic Services officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following, please contact the Democratic Services officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS**

### **Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

### **Preparation for the Remote Licensing Hearing**

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

### **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representatives are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.** Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

## ORDER OF PROCEEDINGS AT THE REMOTE HEARING

### **Chair's introduction and opening comments**

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

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

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

### **Licensing Manager**

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

### **The Application**

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

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Public representation
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

### **The Representations**

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation *[maximum 15 minutes each party]*:

- Police
- Other Responsible Authorities
- Ward Councillors
- Public representation
- Members of the Sub-Committee

24. The Chair will invite the Applicant and each other party to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

### **Summaries**

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
  - Police
  - Other Responsible Authorities
  - Ward Councillors
  - Public representation
27. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
28. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

### **Determination**

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.
30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not)

usually within 5 working days of the hearing. There can be no further questions or statements.

31. If the Sub-Committee does not make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representatives within 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.



City of York Council

Committee Minutes

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Meeting	Licensing/Gambling Hearing
Date	8 April 2021
Present	Councillors Galvin, Hook and Mason

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**50. Chair**

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

**51. Procedure for the Hearing, and Introductions**

The Chair outlined some amendments to the procedure for the hearing, as agreed with the parties. Both applications would be dealt with simultaneously and adjustments would be made accordingly to the time allowed for each party to present their case and for questions. The video 'walk-through' of the premises submitted by the Applicant had been viewed in advance by all parties but could not be played at the hearing for technical reasons. However, a link to the video would be published after the meeting.\*

The Chair introduced the members of the Sub-Committee, the Applicant (Aaron Mellor of Tokyo Industries), the Applicant's Solicitor, the Police Representors, the Licensing Authority Representor, the Public Protection Representor, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser, the Senior Legal Officer shadowing the Legal Adviser, and the Democracy Officer.

**\*Note:** *The link to the video walk-through is below:*

<https://www.youtube.com/watch?v=fKJGkBaf-J0>

**52. Declarations of Interest**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. No interests were declared.

**53. 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.

**54. The Determination of an Application by Tokyo Industries (Yorkshire) Ltd for a premises licence in respect of Impossible (York), 3 St Helens Square, York, YO1 8QN. (CYC-067635) (Application A)**

Members considered an application by Tokyo Industries (Yorkshire) Ltd. for a premises licence in respect of 3 St Helen's Square, York YO1 8QN.

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
3. The Protection of Children from Harm

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.
3. The Senior Licensing Officer's report and her comments at the Hearing.

The Senior Licensing Officer outlined the report and annexes in respect of each application, and the updated reports and annexes in the additional papers at pages 89-155 and 227-281 of the agenda, which included the

amended forms and plans submitted by the Applicant and additional representations from the Public Protection officer. She highlighted the location of both premises in the Red Zone of the cumulative impact assessment area (CIA) and confirmed that the consultation process had been carried out correctly in each case. She noted that the Applicant would surrender the existing licence granted to Carluccio's in respect of 3 St Helen's Square should the new application be granted, due to the substantial changes made to the plans and the hours of operation of the premises. In respect of 5 St Helen's Square, she drew attention to an error in her report, namely the omission of the days of the week from the summary of the application at paragraph 5. This had been corrected in the amended version published in the Agenda Supplement.

In response to a question from the Sub-Committee's Legal Adviser, the Applicant's solicitor stated that, following further discussions with the responsible authorities, the hours applied for had been altered. He confirmed that the case outline circulated to all parties prior to the hearing reflected the latest position.

In response to a question from the Chair, the Senior Licensing Officer confirmed that the existing Carluccio's licence was for a restaurant and delicatessen; it included alcohol and late night refreshments, but not entertainments.

4. The representations made by Paddy Whur, Solicitor, on behalf of the Applicant and the representations made directly by Aaron Mellor, as the Applicant.

Mr Whur recounted the information set out in the case outline\* which he had prepared and circulated to the parties in advance in order to assist in the presentation of these two complex applications, which he characterised as:

- A. Impossible Tea Rooms, Chocolatier, Restaurant, Supper Club and Speakeasy at 3 St Helen's Square (formerly Carluccio's) and
- B. The Impossible Motel and Restaurant at 5 St Helen's Square (formerly the TSB).

Mr Whur highlighted the credentials of Tokyo Industries as an operator of licensed premises, noting that this would be the largest development they had been involved in to date, bringing 120 jobs to York. In relation to the Licensing Objectives, he drew attention to the noise management report at pages 125-133 of the agenda papers and noted the additional conditions suggested by the police\*. He pointed out that the successful operation of a high end hotel under Licence B was dependent on guests not being subjected to noise nuisance from the operation of Licence A.

He then called on the Applicant to provide further details of the applications and the proposed operation of the premises.

*\*[Note: the case outline and the additional conditions suggested by the police have been published on the council's website in Agenda Supplement 2].*

The Applicant explained the layout of each premises with reference to the updated plans at pages 119-123 (Application A) and pages 255-258 (Application B) of the agenda papers, which were displayed on screen by the Senior Licensing Officer.

In respect of Application A, the Applicant stated that the intention was to 'recreate' the original use of the building, which had been a chocolate factory, restaurant and ballroom. He indicated the location on the plans of the various components of the operation, as set out in paragraphs 1.7 to 1.9 of the case outline. These included: a chocolatier and tea rooms to the front of the ground floor, which would operate as a bar later in the day; a ground floor restaurant with an open gallery kitchen to the rear and a central bar; a grand staircase with a glazed dome leading to a first floor dining room (ballroom) containing fixed furnishings and a small dance floor; a 'Hogwarts' style boardroom on the second floor that would operate as a private dining room available for booking; a roof terrace; and an 'apothecary and speakeasy' at the rear of the premises, accessed via a separate entrance from the alleyway that ran down the side of the building. He highlighted that the occupancy of the first floor restaurant was restricted by fire regulations to a maximum of 120, that much of the space would be occupied by fixed

seating, and that it was intended to operate as a jazz / supper club aimed at the over-30s age group. It would be connected by a small gantry to the second floor of the speakeasy. The boardroom was already included in the existing licence but had not been in use due to the lack of a fire escape. A new triplex fire escape would be installed leading down to the side alleyway. The roof terrace would be accessed via a new staircase from a flying gantry. It would be fully seated, with a maximum capacity of 60.

In respect of Application B, as set out in paragraph 1:10 of the case outline, the Applicant indicated the location of the hotel rooms in the basement (the former bank vault), on the first floor (the former bank offices) and on the second floor. He described the restaurant on the ground floor, which would serve as the hotel's dining facility, as an 'Instagram' dining experience. It would have a bar running the full length of the room, from which cocktails and coffees would be served. There would be a 24-hour entrance with a bell boy, a staircase to the hotel reception on the first floor, and a lift servicing all floors.

In response to questions from Members of the Sub-Committee on the plans, the Applicant stated that:

- The change from service of teas to service of alcohol in the front ground floor area would be gradual as the day moved on.
- The 'bell boy' entrance (shown at the corner of St Helen's Square on the plan at page 257) would be manned until 9 or 10pm, after which it would be locked and accessible only to hotel guests using a card.

Mr Whur then resumed his representations. He referred to the relevant sections of City of York Council's Statement of Licensing Policy and General Approach to Licensing set out in paragraph 2 of the case outline, which he said encouraged applications like these, since they fitted the council's visions and aspirations for, in particular, a variety and mix of high quality licensed premises. He contended that neither application would lead to an increase in the impact of licensed premises in the Red Zone; on the contrary they ticked all the right boxes to show they would not, given the capability of the Applicant and the nature of the operations, which were not the usual style of business

operating in the city centre. He went on to highlight the reduced operating hours offered for Application A, as set out in paragraph 3 of the case outline, and the 33 conditions set out in paragraph 4, which included some of the further conditions sought by the police. Conditions 1-3 would, he said, 'future proof' the licence against the premises becoming a vertical drinking establishment, which would in any case be detrimental to the atmosphere required to charge a premium for food and drink. Condition 5 (hours of closure of the roof terrace and outdoor areas) showed that the Applicant had taken on board the concerns of the Public Protection officer, as did the noise consultant's report. As stated earlier, noise nuisance would be detrimental to the success of Application B. Condition 10 varied from the suggested police condition in order to avoid having surplus door supervisors at quieter times. However, the Applicant would work to ensure appropriate door supervision at all times.

In respect of Application B, Mr Whur stated that this would be a high quality operation similar to The Bells in Leeds. The conditions of Application A had been replicated in Application B to ensure consistency in promoting the Licensing Objectives. He concluded by stating that he hoped the quality of the proposals to bring these two iconic buildings back to life would enable Members to use their discretion to grant the applications in the Red Zone.

In response to questions from the Representors, the Applicant confirmed that:

- Entertainment would be of a theatrical nature; adult entertainment such as burlesque would only take place at night, with 9pm generally being the 'watershed'.
- The current Carluccio's licence did not cover the rooms to the rear, nor the roof terraces.
- Noise barriers would run the length of the roof terrace; there would be a glass balustrade on the upper terrace for the views, and because it was further from the residential area.
- The roof terraces and other external areas would close at 10 pm except on New Year's Eve.
- A digital sound processor would monitor the ambient noise in each room and turn the sound down

automatically once it exceeded the noise level set for that room.

- In the Speakeasy, there would be some flexibility around recorded music, but as it was located in the old bank vaults sound emanation was not a concern.
- Access from no. 3 St Helen's Square to the hotel bar would be restricted, and controlled at the staffed entrance; hotel customers could gain access to the ground floor bar at no. 3.
- The 1<sup>st</sup> floor hotel bar was intended to service the hotel rooms and only background music would be played here.
- Live music would be played on the stage in the first floor ballroom and possibly at a low level in the Speakeasy.

The Applicant and Mr Whur then responded to questions from Members of the Sub-Committee, stating that:

- The conditions set out in the case outline incorporated the police's suggested conditions where these were not detrimental to the operation; with some amendments, such as altering 'covers' to 'seats'.
- Security for the alleyway into which the fire exit staircase fed would be provided at the door to no.3, next to the alleyway entrance.
- Customer numbers would be governed by fire regulations (and, currently, by Covid-19 regulations); a pre-booking system would operate and admissions would be restricted during peak periods.
- Most customers would be seated, with some standing upstairs; a minimum of 90 seats would be provided on each floor (Condition 3 in the case outline).
- Adult entertainment would take place only occasionally; this would be on the first floor, second floor, or in the Speakeasy.
- There would be no 'cut-off' time for non-residents in the hotel bar.
- Condition 1 in the case outline (*The premises shall operate predominantly as a restaurant and hotel*) would prevent the licence from applying to the individual hotel bedrooms.

- The number of bedrooms had not been included in the proposed conditions as it was currently undecided and subject to Listed Building Consent; however, Mr Whur would be happy to draft a condition to cover this.

In response to questions from the Sub-Committee's Legal Adviser and further questions from Members, the Applicant and Mr Whur confirmed that:

- The fire risk assessment at no.3 had been carried out with Covid in mind so was subject to review, but the current capacity on the ground floor and the first floor was 140; capacity on the second floor and roof terrace was currently zero but anticipated to be 60 in future.
- The new risk assessment would take into account the new fire escape, which was subject to Listed Building Consent.
- Adult entertainment was requested for Licence A, and should have been included in the schedule at paragraph 3 of the case outline; however, it was not requested for Licence B.
- Adult entertainment in the former Carluccio's premises would be on the first and second floors only, and children would be excluded while it was on.
- The Applicant had previously operated premises in York offering adult entertainment and would comply with council policy and the Local Government Miscellaneous Provisions Act in marketing and operating it.
- Adult entertainment at these premises would consist only of theatrical / burlesque performances, and corporate events deemed to be 'adult'.
- Although two separate applications had been made, the operation of both premises was intended to be a fully integrated experience; however, each could potentially operate alone.
- All outside areas would close by 10 pm each night, except on New Year's Eve.
- This would be a very high-end operation, with no stag or hen parties or cheap drinks, providing something that did not currently exist in York.



- The move to a more drink-led approach in the evening, and the operating times of the restaurants, would be flexible and based on demand; people were tending to eat later now.
5. The representations made at the hearing by PS Jackie Booth and PC Kim Hollis of North Yorkshire Police.

PS Booth referred to the discussions between the Applicant and the Responsible Authorities that had resulted in the amended applications set out in the case outline. She noted that the Applicant sought to extend the hours, capacity and activities of the existing licence granted to Carluccio's, and that granting both applications would result in a total of 9 bars over 4 floors, including 2 rooftop terraces, with live and recorded music and adult entertainment. She highlighted the location of the premises in the CIA Red Zone, in an area with a mix of residential properties; this was particularly relevant to the proposed opening hours, as the council's CIA policy showed that calls to the police were at their highest between midnight and 4 am at weekends. Given the existing demands on the police, they would not support a closing time of 3 am or later. PS Booth went on to state that the additional conditions offered by the Applicant were welcome and went some way towards mitigating the impact of the applications; however Condition 10 in the case outline, relating to door supervision, was insufficient for an operation of this size. She requested that the condition suggested by the police in respect of door supervisors (Condition 9 in the police conditions) be imposed should the applications be granted. She also asked that Condition 23 in the case outline be replaced by a condition to comply with local crime reduction initiatives, as there were issues with the current Pubwatch scheme.

PC Hollis stated she had met the Applicant at the premises along with colleagues to discuss the applications. Further discussions had been held on receipt of the amended applications, and following a meeting on 24 March she had drawn up the list of suggested conditions and circulated it to all parties. Some of these conditions had been included in the case outline circulated by the Applicant's solicitor on 1 April. However, the case outline differed from the police conditions in that

it proposed closure of the roof terraces by 10pm instead of 9pm, substituted 'seats' for 'covers', removed the requirement for alcohol to be ancillary to food, and proposed 90 customers on the 2<sup>nd</sup> floor instead of 50.\* PS Hollis also noted that dance had not been removed from Application B in the case outline and that this had not been discussed.

*\*Note: during questions, the Applicant confirmed that there was an error in the case outline and the proposal was for 50 customers on the 2<sup>nd</sup> floor.*

PS Booth then resumed, stating that, in summary, the conditions set out in the case outline had largely addressed the police requirements; however, their concerns in respect of opening times and the need for SIA door supervisors remained (as per Condition 9 in the police's suggested conditions).

In response to questions from Members of the Sub-Committee, PC Hollis and PS Booth confirmed that:

- In respect of numbers, the police were seeking to mitigate the risk associated with vertical drinking and therefore to establish a minimum number of fixed seats that could not be removed to accommodate more drinkers.
- The police would like to amend 'seats' to 'covers' in respect of the ground floor but were content with the term 'seats' in respect of the upper floors.
- PS Booth was aware of the Applicant as an operator of licensable premises in the York and North Yorkshire areas and around the country and from a crime and disorder point of view had not received reports of any problems with these.

6. The representations made at the hearing by Lesley Cooke, the Licensing Manager.

Ms Cooke stated that her concerns were similar to those of the police, and she too welcomed the amended operating schedule and the reduced hours and licensable activities. She still had concerns about the operating hours and considered that the close proximity of the premises to residential premises should be taken into account, especially in relation to the proposed 3am finish

time and the external areas. Although no. 3 was already licensed, the application was for a much larger licensed area. No. 5 was a new application and, although there were no issues with the hotel, the ground floor restaurant would be yet another licensed premises in the Red Zone. No conditions had been offered to prevent the licensed areas from becoming bars with no dining at all. She reiterated the need to protect the CIA and local residents and supported the police representations.

In response to a question from the Chair, Ms Cooke stated that most of the licensed premises in the area closed at midnight during the week and 1am at weekends. Carluccio's closed at midnight on 7 days per week.

7. The representations made at the hearing by Michael Golightly, the Public Protection officer.

Mr Golightly stated that despite negotiations with the Applicant and the amendments made to the applications his representations still stood (as set out on pages 71-74 of the agenda papers). He stated that the onus was on the Applicant to demonstrate that the applications would not increase the impact of licensed premises in the Red Zone. He noted that 3 St Helen's Square was a listed building in a prominent location, that the three existing bars on the Square all closed at midnight or 1am, and that the area included the Mansion House and the flats on Lendal. The applications would introduce later closing hours and a further 7 bars to the area, plus two rooftop terraces closing at 10pm. The premises would, he said, be a magnet for stag and hen parties, racegoers and late night drinkers. If all the bars were open at the same time this was likely to have a cumulative impact upon noise in the area. There was nothing in the proposed conditions to prevent this. It was also likely that there would be large numbers of people entering and leaving the premises up to 3am on a weekend. The noise from the alleyway, which was not currently in use, would also affect the flats on Lendal.

Referring to his additional representations at page 147 of the agenda papers and the photographs at pages 149-155, Mr Golightly stated that the noise from the rooftop bars would lead to a significant change for residents who

were currently shielded from ground level noise and might also affect hotels in the area. He pointed out that the rooftop terraces were only 14m away from residential dwellings. He noted that there was no dispersal policy nor any plan to deal with smoking areas, and no noise impact assessment had been submitted. In relation to the noise management report, he stated that it did not consider the cumulative impact of the voices of 120 people on the roof terraces, including shouting, and did not suggest conditions to prevent noise. There was not enough information to assess the effectiveness of the barrier around the lower terrace, and no noise barrier was proposed for the upper terrace. The mixture of noise from both terraces had not been assessed. The assumption that residents would have to close their windows to keep out the noise was not acceptable. The report was based on a steady noise source, whereas a fluctuating source might be more applicable here. The WHO levels referred to in the report were not representative of noise at roof level. The reference to PPG24 was irrelevant, as this guidance had been withdrawn in 2012. The proposed noise limit of 85db for the Speakeasy and roof terraces was very high, and noise checks would need to take place at roof level where the residents were. Noise limiting devices were welcome in principle but may be dependent on planning permission, which had not yet been granted. For the external areas, he supported a closing time of 10pm but would like a condition to restrict the 'creep' of those areas, as on the existing Carluccio's licence. The protection of children remained a concern. He would like more stringent conditions to provide a 'buffer time' between children leaving and the start of adult entertainment and to ensure children in the hotel at no. 5 were supervised when adult entertainment was taking place at no.3.

With regard to Application B (the hotel), Mr Golightly said his concerns related to the bar being open to non-residents until 3am, the movement of people between the two premises, and the potential for the two to merge into one large drinking establishment. Again, this was a listed building and planning consent was yet to be granted; this raised uncertainties around the effectiveness of some of the conditions – for example noise nuisance would

increase if Listed Building Consent did not allow the windows to be double glazed.

In response to questions from Members of the Sub-Committee:

- The Legal Adviser confirmed that the Planning and Licensing regimes were entirely separate and based on different considerations, although the Licensing policy recommended that planning permission should be obtained first.
- Mr Whur confirmed that he would work with Public Protection to 'finesse' the noise management conditions (Conditions 28-32 in the case outline) once planning permission had been determined, to ensure compliance with the licensing objectives.
- The Applicant said that he was confident that the applications would not adversely affect neighbouring residents, and indicated that the flats on Blake Street were holiday lets.
- Mr Golightly confirmed that no representations had been received from residents; however, since the notices went up over the Christmas period, people may not have been aware of them. Some residents had expressed concerns that they had missed the deadline to make representations, and objections had been made to the Planning applications.
- Mr Golightly stated that the operation of the premises under the Carluccio's licence had not caused problems in relation to noise, as there had been background music only and the premises had closed at 1am.

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

PS Booth summed up on behalf of North Yorkshire Police. She welcomed the significant changes made to the original applications but re-iterated the police concerns about the proposed operating hours, which represented a significant change from the licence granted to Carluccio's. The additional three hours of operation on a Saturday were of particular concern, as this was a period when the calls to the police about incidents within the CIA were at a peak. Condition 9 in the suggested conditions was a key aspect of mitigating police concerns in relation to crime

and disorder and public nuisance. Having SIA staff in place for 30 minutes after closing time would address concerns about dispersal. PS Booth asked the Sub-Committee to consider imposing the conditions requested by the police in respect of door staff and operating times should the applications be granted.

The Licensing Manager summed up. She welcomed the amended operating schedule but expressed concerns regarding the hours of operation, which she considered should be more in line with those of other premises in the area. She further stated that priority should be given to residents; that, contrary to what the Applicant had said, the flats on Blake Street were not just holiday lets, and that consideration should be given to the location of the premises in the CIA.

The Public Protection officer summed up. He again highlighted the location of the premises in the CIA and stated that he could not see how 9 new bars would not bring extra pressure to the area by bringing in more people late at night and adding to public nuisance. He expressed concern that there was no dispersal policy and agreed with the police and Licensing Manager that the operating hours were too late. He stated that the rooftop terraces were too close to business and residential properties and would introduce 120 extra people to an area currently shielded from street level noise, resulting in a significant impact on residents. He said it was difficult to comment on appropriate conditions to address noise breakout from the premises, as not enough information was available. He was happy with the external areas and ground floor of no.3, subject to conditions. With regard to the protection of children, he was concerned by the lack of a 'buffer' before the start of adult entertainment and by the link between the two premises and how to stop people going back and forth between the two. This needed to be looked at to ensure a clear separation. Finally, he confirmed that his objections to the applications remained, although he appreciated that the Applicant had been working with Public Protection to mitigate these.

Mr Whur summed up on behalf of the Applicant. He referred Members to the points made in the case outline and then commented on the representations made at the

hearing. In respect of the points made by the police, he asked the Sub-Committee to give careful consideration to granting the hours applied for in order to make the operation commercially viable. He was certain that the Applicant, who had been trading in a similar way elsewhere with no negative responses, could ensure that the 3am closure on Saturdays would not have an adverse impact on the Red Zone. In relation to door staff, Condition 10 in the case outline was identical to that on the licences granted to Harkers, Kennedys and Revolution. It had been included to ensure that there were not more door staff than required at quiet times. With reference to the Licensing Manager's representations, Mr Whur said that the Applicant wanted to do something different and that the premises would not be 'just another bar', The 'seven new bars' were small areas that together would create a quality atmosphere in a fabulous multi-use new development.

With regard to the Public Protection officer's representations, Mr Whur did not agree with the officer's approach. Planning did not have priority over Licensing as had been suggested, and it was common practice to determine a Licensing application before a Planning application. Conditions 29-33 in the case outline addressed the noise issues raised and the Applicant would liaise with Public Protection to ensure that music would not create noise 'breakout'. Condition 30 – submission of a noise management plan within 2 months - was crucial; this plan would include a smoking plan and dispersal policy. The comments in relation to racegoers and stag and hen parties should be disregarded in view of the Applicant's investment in providing something completely different. The conditions on Carluccio's licence sought by the officer were for the external area and would be included in the separate application for the pavement licence. Finally, Mr Whur submitted that this was an opportunity to support a game-changing development unique to York which would bring 120 jobs to the city at a time when leisure and retail were suffering. It was, he said, the best application he had seen and should be supported.

The Sub-Committee's Legal Adviser then sought comments from Mr Whur as to whether he considered

music played before 23:00 hours could be controlled by conditions, given that it had been deregulated. Mr Whur stated his view that the deregulation did not remove the duty to promote the licensing objectives and comply with conditions at all times when licensable activities were taking place at 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 licensing 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: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted with the following conditions and modified/additional conditions added to the licence:

1. The premises shall operate predominantly as a restaurant/tea rooms providing food and non-alcoholic drinks and it shall not operate as a bar or nightclub or vertical drinking establishment.
2. Until midnight substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is sold.
3. Where alcohol is being sold or supplied on the respective floor there will be a minimum number of seating provided as follows:



Seating for 90 customers provided on the ground floor

Seating for 90 customers provided the first floor

Seating for 50 customers provided on second floor with a further 50 seats provided on the outside roof terrace on the second floor.

48 seats provided on the rooftop terrace. All patrons to be seated when using this area.

4. The sale of alcohol in all parts of the premises shall only be by waiter/waitress service to seated customers, and there shall be no sales of alcohol over the bars directly to the customer.
5. The ground floor outside area shall be closed by 2200hrs daily. The roof terraces shall close and be cleared of patrons by 2100hrs daily (with the exception of New Year's Eve).
6. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
7. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).
8. No adult entertainment shall take place before 2130hrs.
9. No person under the age of 18 will be permitted on the premises when any adult entertainment is taking place and in the 30 minute periods before and after such entertainment takes place.
10. Any adult entertainment must be restricted to the first and second floor areas only and must not take place on roof terraces or any outside area. When such events take place there shall be screens to prevent such entertainment being viewed by other members of the public and the DPS or Premises Licence holder shall ensure that a risk assessment is conducted. Customers must be seated during the performance and there is to be no physical contact between customers and performers.

11. Advertising for adult entertainment shall not be displayed on the premises at a time when persons aged under 18 are on the premises.

12. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to which the public have access.

It will be maintained, working and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days.

Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request.

Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.

13. Door Supervisors shall be employed as follows: -

(a) On Fridays, Saturdays and Sundays leading into a bank holiday Monday there shall be a minimum number of 3 SIA door supervisors from 2000hrs until 30 minutes past closing time.

(b) On all other days an adequate number of door supervisors shall be provided at the premises on the following occasions:-

(i) From 2300hrs until 30 minutes past closing time on any day when the premises closes after 0100hrs.

(ii) At all times the premises licence holder will risk assess the need for SIA door supervisors in conjunction with North Yorkshire Police and ensure sufficient door supervisors are on duty to promote the crime and disorder licensing objectives.

The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise at other times.

All door supervisors will wear high visibility arm bands.

14. Documented staff training will be given regarding staff's obligation under the Licensing Act 2003 in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- Licensing objectives and
- Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

15. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. (For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry). They will be made available immediately upon request from any Responsible Authority.

16. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

17. All off sales shall be in sealed containers (with the exception of the pavement café licence area).

18. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway with the exception of any pavement café licence area.

19. The ground floor outside area will be regularly cleared and kept tidy.

20. There shall be a personal licence holder on duty per floor at the premises at all times when they are open for licensable activities. In addition, the premises licence holder or DPS shall also be present on the premises during the whole time that adult entertainment is taking place.
21. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
22. No licensable activities shall take place at the premises until a documented smoking policy has been submitted to and agreed in writing with the Council. The policy shall thereafter be implemented as approved.
23. A zero tolerance towards illegal drugs will be enforced at all times.
24. All instances of crime and disorder will be reported to the Police and will be kept in an incident log book.
25. The premises will comply take part in and comply with any crime reduction initiatives, when requested to do so by a responsible authority.
26. The Premises Licence Holder will comply with any instructions issued by the Police regarding closure on race days and/or other sporting events.
27. The Premises Licence Holder shall ensure so far as possible that when an exclusion order is made, the person subject to the order is denied access to the premises.
28. No noise shall emanate from the premises that gives rise to a nuisance.
29. A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all music played at the premises must pass through this sound limiter at a level first agreed by the Council's Public Protection section. The device shall not be altered or modified without prior agreement with the Council's Public Protection section. The device must be of a type and in a location approved in writing by the Council's Public Protection section.

30. Speakers shall not be located /operated on any roof terrace or external area.
31. No regulated entertainment shall take place on any roof terrace or outside the premises building.
32. Notices shall be prominently displayed on the roof terraces requesting patrons to respect the needs of local residents and use the area quietly.
33. No licensable activities shall take place at the premises until a written Noise Management Plan has been submitted to and approved in writing by City of York Council. The Noise Management Plan will include a procedure for investigating noise complaints received from the premises and a map identifying the sound check locations following any such complaint. The Premises Licence Holder shall ensure compliance with all aspects of the approved Noise Management Plan.
34. No licensable activities shall take place at the premises until a documented dispersal policy has been submitted to and approved in writing by City of York Council. The Premises Licence Holder shall ensure compliance with all aspects of the approved dispersal policy.
35. No licensable activities shall take place at the premises until premises licence CYC 55807 (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

- 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 premises are located within an area where a Cumulative Impact Policy applies. They are within the red zone of this area. The Statement of Licensing Policy sets out that this special policy will create a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused following receipt of representations, unless the

applicant can demonstrate why the operation of the premises involved will not add to the impact of premises with this zone.

(iii) The Sub-Committee noted that that the premises being in the CIA did not act as an absolute prohibition on granting new licences within that area. Each application must be considered on its own merit and it is possible for an applicant to rebut the above presumption if they can demonstrate that their application for a premises licence would not add to the cumulative impact already being experienced in the CIA. Representations had been received from North Yorkshire Police, Public Protection and the Licensing Authority.

(iv) The Sub-Committee considered that the onus lay upon the Applicant (to the civil standard) to evidence to the Sub-Committee that the operation of the premises, if licensed, would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives.

(v) The Sub-Committee accepted and gave weight to concerns by the Police, Public Protection and the Licensing Authority as to the potential for alcohol related noise disturbance and crime and disorder that could arise from a large capacity venue in this location if a premises licence is granted. They also noted that the Applicant and the Police had each proposed a number of conditions to address these issues.

(vi) The Sub-Committee noted the Police representations that they do not object to the application if the conditions proposed by the Police are attached to the licence, the Police being content that the premises could with the imposition the conditions proposed by the Police operate without adding to the cumulative impact. They gave weight to the Police representation in accordance with paragraph 9.12 of the statutory guidance.

(vii) The Sub-Committee noted concerns from Public Protection in particular that the operation of a premises licence would be likely to cause significant noise nuisance and disturbance to nearby residents and Public Protection's concerns as to whether this

impact could be adequately mitigated by the imposition of conditions in advance of planning and listed building consent.

(viii) The Sub-Committee also noted the Licensing Authority's objection to the application.

(ix) The Sub-Committee noted that the Applicant had amended the application to scale back the licensable activities, area and timings proposed. It accepted the evidence put forward at the hearing by the Applicant as to the proposed pricing strategy for drinks; the likelihood that the venue would attract discerning customers and families rather than customers looking for cheap drink promotions; the character of the style of venue and the other examples of the Applicant's premises that the Police confirmed have operated without concern.

(x) The Sub-Committee noted the concerns of the Responsible Authorities but felt that on balance, it had received sufficient assurances and evidence from the Applicant in order to have a high level of confidence that the premises would be operated responsibly and that, with the imposition of suitable amended and additional conditions (including conditions to ensure that it could not operate as a bar or nightclub), it was unlikely that noise disturbance to local nearby residents or any significant additional cumulative impact would be caused.

(xi) Therefore it concluded that that the presumption against granting a licence for a new premises situated in the CIA was rebutted in this particular case and was satisfied that all four licensing objectives would be met in granting the application with the mandatory and the above conditions.

(xii) The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate in the circumstances to promote the licensing objectives.

55. **The Determination of an Application by Tokyo Industries (Yorkshire) Ltd for a premises licence in respect of Impossible (York), 5 St Helens Square, York, YO1 8QN). (CYC-067636) (Application B)**

Members considered an application by Tokyo Industries (Yorkshire) Ltd. for a premises licence in respect of 5 St Helen's Square, York YO1 8QN.

Full details of the matters considered, and the representations made at the meeting in respect of both applications are set out in Minute 54 above.

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 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 licensing 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: Reject the application. This option was **rejected**

Resolved: That Option 2 be approved and the licence be granted with the following conditions and modified/additional conditions added to the licence:

1. The premises shall operate predominantly as a hotel with ancillary restaurant and bar facilities. It shall not operate as a bar or nightclub or vertical drinking establishment and all licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
2. A minimum number of 40 seats shall be provided for customers on the ground floor.



3. The outside area shall be closed by 2200hrs daily
4. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
5. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
6. No adult entertainment shall take place at the premises.
7. The sale of alcohol in all parts of the premises shall only be by waiter/waitress service to seated customers, and there shall be no sales of alcohol over the bars directly to the customer.
8. The outside area shall be closed by 2200hrs daily.
9. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
10. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
11. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to which the public have access.

It will be maintained, working and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days.

Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request.

Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.

12 Door Supervisors shall be employed as follows: -

- (a) On Fridays, Saturdays and Sundays leading into a bank holiday Monday there shall be a minimum number of 3 SIA door supervisors from 2000hrs until 30 minutes past closing time.
- (b) On days when race meetings are held at York Racecourse (save for the family meeting held in September and the first meeting in May) a min of 1 SIA registered door staff shall be provided at the premises from 19:00 hours to the close of business.

The management of the premises will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise at other times.

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

13. Documented staff training will be given regarding staff's obligation under the Licensing Act 2003 in respect of the:-

- Retail sale of alcohol
- -Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- Licensing objectives and
- Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

14.A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. (For the avoidance of doubt, the one year period relates

to each respective entry in the log book and runs from the date of that particular entry). They will be made available immediately upon request from any Responsible Authority.

15. The sale of alcohol (other than to residents of the hotel and their bona fide guests) shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
16. All off sales shall be in sealed containers (with the exception of the pavement café licence area).
17. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway with the exception of any pavement café licence area.
18. The outside area will be regularly cleared and kept tidy.
19. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
20. No licensable activities shall take place at the premises until a documented smoking policy has been submitted to and agreed in writing with the Council. The policy shall thereafter be implemented as approved.
21. A zero tolerance towards illegal drugs will be enforced at all times.
22. All instances of crime and disorder will be reported to the police and will be kept in an incident log book.
23. The Premises will comply take part in and comply with any crime reduction initiatives, when requested to do so by a responsible authority.
24. The Premises Licence Holder will comply with any instructions issued by the Police regarding closure on race days and/or other sporting events.
25. The Premises Licence Holder shall ensure so far as possible that when an exclusion order is made, the person subject to the order is denied access to the premise.

- 26.No noise shall emanate from the premises that gives rise to a nuisance.
- 27.A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all music played at the premises must pass through this noise limiting device at a level first agreed by the Council's Public Protection section. The device shall not be altered or modified without prior agreement with the Council's Public Protection section. The device must be of a type and in a location approved in writing by the Council's Public Protection section.
- 28.Speakers shall not be located /operated on any external area.
- 29.No regulated entertainment shall take in any outside area.
- 30.No licensable activities shall take place at the premises until a written Noise Management Plan has been submitted to and approved in writing by the by City of York Council. The Noise Management Plan will include a procedure for investigating noise complaints received from the premises and a map identifying the sound check locations following any such complaint. The Premises Licence Holder shall ensure compliance with all aspects of the approved Noise Management Plan.
- 31.No licensable activities shall take place at the premises until a documented dispersal policy has been submitted to and approved in writing by City of York Council. The Premises Licence Holder shall ensure compliance with all aspects of the approved dispersal policy.
- 32.The only licensable activity that is authorised to take place in the hotel bedrooms is the sale of alcohol by retail through a mini bar or room service. No other licensable activity will take place in the hotel bedrooms.
- 33.With the exception of hotel residents and their bona fide guests, no alcohol shall be supplied or consumed on the ground floor of the premises between 2400rs and 0800hrs.

34. The supply of alcohol on the basement, first and second floors of the premises shall be to hotel residents and their bona fide guests only.

- 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 premises are located within an area where a Cumulative Impact Policy applies. It is within the red zone of this area. The Statement of Licensing Policy sets out that this special policy will create a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused following receipt of representations, unless the applicant can demonstrate why the operation of the premises involved will not add to the impact of premises with this zone.
  - (iii) The Sub-Committee noted that that the premises being in the CIA did not act as an absolute prohibition on granting new licences within that area. Each application must be considered on its own merit and it is possible for an applicant to rebut the above presumption if they can demonstrate that their application for a premises licence would not add to the cumulative impact already being experienced in the CIA. Representations had been received from North Yorkshire Police, Public Protection and the Licensing Authority.
  - (iv) The Sub-Committee considered that the onus lay upon the Applicant (to the civil standard) to evidence to the Sub-Committee that the operation of the premises, if licensed, would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives.
  - (v) The Sub-Committee accepted and gave weight to concerns by the Police, Public Protection and the Licensing Authority as to the potential for alcohol related noise disturbance and crime and disorder that could arise from a large capacity venue in this location if a premises licence is granted. They

also noted that the Applicant and the Police had each proposed a number of conditions to address these issues.

(vi) The Sub-Committee noted the Police representations that they do not object to the application if the conditions proposed by the Police are attached to the licence, the Police being content that the premises could with the imposition the conditions proposed by the Police operate without adding to the cumulative impact. They gave weight to the Police representation in accordance with paragraph 9.12 of the statutory guidance.

(vii) The Sub-Committee noted concerns from Public Protection in particular that the operation of a premises licence would be likely to cause significant noise nuisance and disturbance to nearby residents and Public Protection's concerns as to whether this impact could be adequately mitigated by the imposition of conditions in advance of planning and listed building consent.

(viii) The Sub-Committee also noted the Licensing Authority's objection to the application.

(ix) The Sub-Committee noted that the Applicant had amended the application to scale back the licensable activities, area and timings proposed. It noted the proposed style of venue as an upmarket boutique hotel, with restaurant facilities in keeping with the design and price point of the hotel rooms, and the other examples of the Applicant's premises that the Police confirmed had operated without concern.

(x) The Sub-Committee noted the concerns of the Responsible Authorities but felt that on balance, it had received sufficient assurances and evidence from the Applicant in order to have a high level of confidence that the premises would be operated responsibly and that, with the imposition of suitable amended and additional conditions (including conditions to ensure that it could not operate as a bar or nightclub), it was unlikely that noise disturbance to local nearby residents or any significant additional cumulative impact would be caused.

(xi) Therefore it concluded that that the presumption against granting a licence for a new premises situated in the CIA was rebutted in this particular case and was satisfied that all four licensing objectives would be met in granting the application with the mandatory and the above conditions.

(xii) The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate in the circumstances to promote the licensing objectives.

Cllr A Mason, Chair

[The meeting started at 10.00 am and finished at 4.30 pm].

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## Licensing Act 2003 Sub Committee

24 May 2021

Report from the Director – Environment, Transport & Planning

### **Section 18(3) (a) Application for a premises licence for The Co-op, Ground Floor, Hallmark House, The Chocolate Works, Campleshon Road, York, YO23 1PX**

#### **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 68304
3. Name of applicant: Co-operative Group Food Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a new convenience store within Hallmark House, The Chocolate Works, Campleshon Road.

<b>Proposed Activity</b>	<b>Timings</b>
Supply of Alcohol – Off the premises	0600 to 2300 everyday
Opening Hours	0600 to 2300 everyday

#### **Background**

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

7. The premises is described in the application as a convenience store open seven days a week selling groceries, sundry items and alcohol for consumption off the premises.

### **Promotion of Licensing Objectives**

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

9. **General**

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate, proportionate and necessary.

10. **The Prevention of Crime and Disorder**

The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

There shall be "CCTV in Operation" signs prominently displayed at the premises.

An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

The premises will be fitted with a burglar alarm system

The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

**11. Public Safety**

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises

**12. The Prevention of Public Nuisance**

A complaints procedure will be maintained, details of which will be made available in store and upon request.

**13. The Protection of Children from Harm**

All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

An age till prompt system will be utilised at the premises in respect of age restricted products.

A refusals register (whether kept in a written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

**Special Policy Consideration**

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

**Consultation**

15. 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.
16. All procedural aspects of this application have been complied with.

**Summary of Representations made by Responsible Authorities**

17. North Yorkshire Police made representation on the prevention of crime and disorder, however they have mediated with the applicant who has agreed to amend their operating schedule and have added several conditions. The agreed conditions can be found at **Annex 2**. Therefore North Yorkshire Police have withdrawn their representation.

### **Summary of Representations made by Other Parties**

18. There have been 26 relevant representations received from other persons. The list of representors is attached at **Annex 3**.
19. The representations are predominantly based on the grounds of the prevention of crime and disorder, prevention of public nuisance and protection of children from harm objectives. They state that these objectives will be undermined if the application is granted.
20. A copy of all the representations are attached at **Annex 4**.
21. A map showing the general area around the venue is attached at **Annex 5**.
22. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 6**. The Legislation and Policy considerations can be found at **Annex 7**.

### **Options**

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

### **Analysis**

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

### **Council Plan**

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

### **Implications**

38.
  - **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – N/A
  - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

### **Risk Management**

39. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
40. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

### **Recommendations**

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

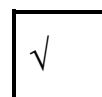
### **Contact Details**

**Author:**  
Lesley Cooke  
Licensing Manager

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

Tel No. 01904 551515

**Report  
Approved**



**30/04/2021**

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

**Wards Affected: Micklegate Ward**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Application form & Plan(s)
- Annex 2** - Conditions agreed with North Yorkshire Police
- Annex 3** - List of representors (other persons) **CONFIDENTIAL**
- Annex 4** - Representations from other persons
- Annex 5** - Map of area
- Annex 6** - Mandatory conditions
- Annex 7** - Legislation & Policy

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**York**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
 Telephone: 01904 552422

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?  Yes  No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

**Continued from previous page...**Your position in the business Home country 

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

 Address     OS map reference     Description
**Postal Address Of Premises**Building number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

**Continued from previous page...**

PLC

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21****OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Convenience Store open seven days a week selling groceries, sundry items and alcohol for consumption off the premises

**Continued from previous page...**

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

**Section 6 of 21****PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

 Yes

 No
**Section 7 of 21****PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

 Yes

 No
**Section 8 of 21****PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

 Yes

 No
**Section 9 of 21****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

 Yes

 No
**Section 10 of 21****PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

 Yes

 No
**Section 11 of 21****PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

 Yes

 No
**Section 12 of 21****PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy



*Continued from previous page...*

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

**Continued from previous page...**

List here steps you will take to promote all four licensing objectives together.

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate, proportionate and necessary.

**b) The prevention of crime and disorder**

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

5. The premises will be fitted with a burglar alarm system

6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

**c) Public safety**

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises

**d) The prevention of public nuisance**

A complaints procedure will be maintained, details of which will be made available in store and upon request.

**e) The protection of children from harm**

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

2. An age till prompt system will be utilised at the premises in respect of age restricted products.

3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

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

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

315.00

**DECLARATION**

1



**Continued from previous page...**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing my work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (Please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
 dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/york/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="(H)CXS.COO238.818"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >



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**CONDITIONS AGREED WITH NORTH YORKSHIRE POLICE**

1. CCTV

- 1.1. The Premises Licence Holder shall install and maintain a CCTV system at the premises giving coverage of all entry points and areas to which customers have access in any lighting conditions.
- 1.2. Such CCTV system shall continuously record whilst the premises are open for licensable activities and shall be capable of providing clear images and frontal identification of customers.
- 1.3. All CCTV recordings shall be retained for a minimum of 28 days and shall be correctly date and time stamped.
- 1.4. CCTV recordings should be made available within 48 hours for inspection upon receipt of a request by the Police and Authorised Officer of the Licensing Authority.
- 1.5. A member of staff shall always be present on the premises whilst they are open who is capable of operating the CCTV system and able to facilitate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority and be able to provide footage in an easily downloadable format.

2. Proof of Age

- 2.1. The Premises Licence Holder shall operate a Challenge 25 policy.
- 2.2 The only forms of acceptable ID shall be
  - a) a passport
  - b) a photocard driving licence
  - c) a proof of age card bearing the PASS logo
  - d) a Ministry of Defence ID card
  - e) any other form of ID from time to time approved by the Secretary of State

3. Incident Log

- 3.1. An Incident Record, whether kept in written or electronic form, shall be maintained at the premises and made available on request to the Police or an Authorised Officer of the Licensing Authority. The Incident Record shall record any complaints received in connection with the licensable activity committed at the premises, any faults with the CCTV system, any refusal to sell alcohol at the premises, and any visit to the premises by a responsible authority in connection with the licensable activity permitted at the premises.

4. Training

- 4.1. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003.

4.2. Training Records shall be promptly updated and made available for inspection upon receipt of request from the Police or an Authorised Officer of the Licensing Authority as soon as reasonably practicable..

5. Miscellaneous

5.1. A panic alarm and system shall be installed and maintained at the premises.

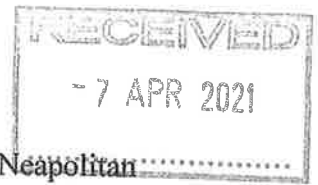
5.2. A burglar alarm system shall be installed and maintained at the premises.

5.3. An electronic till prompt system shall be installed and maintained at the premises.

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- Neapolitan .....  
House, Joseph  
Terry Grove,  
YORK,  
YO23 1PY

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

Dear Sirs

**Licensing Act 2003 - Application for a New Premises License - Co-operative Group Food Limited, Address of Premises: Co-op, Ground Floor, Hallmark House, The Chocolate Works, Campleshon Road, York YO23 1PX**

I note the above application. My interest in the matter is that the premise in question will be a few steps from the entrance to the building which contains my home. As my flat is on the ; any problems caused by this proposed license will be felt especially keenly by myself. Because of the compact nature of the flats, I and many other owners are retired folk to whom simple peace and security at home is especially important.

I note that the applicant seeks to sell alcohol for 17 hours a day, 7 days a week.

This premise is not in a high street or shopping area. It is the only retail premise on the Chocolate Works, an otherwise exclusively residential development. The developer put this forward to home buyers as a "corner shop" where a few essential items could be obtained by residents at short notice. Sale of alcohol, especially in the evenings, will attract undesirable elements from outside the development. It is not appropriate nor required. Moreover, the development is very close the racecourse, a well-known source of disorder on days of racing, or other events: disorder which regularly spills over into the Chocolate Works development. I, and several other residents, have had to call the police to deal with such incidents in the past. The idea that the licensee should be allowed to sell alcohol on such days is totally inappropriate.

I trust my views will be taken into account.

Yours sincerely,

^ . . .



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

Robert Street  
York YO23 1PS

12<sup>th</sup> April 2021

Dear Sir/Madam,

**Licence to sell alcohol: Proposed Coop Store at Hallmark House**

I am writing to you regarding the application by the Co-operative Group Food Limited to sell alcohol at its new store at Hallmark House on the Chocolate Works off Campleshon Road.

I have no objection, in principle, to the sale of alcoholic drinks at this location. However, I do have severe misgivings about the potential public nuisance and threat to public safety posed by sales on days when there are events at York Racecourse. I include in this events such as concerts, fairs and ballooning, where large numbers are in attendance, as well as the actual race days.

Our area already suffers the effects of drunken and anti-social behaviour on these days, and the ready availability of alcohol on the route to and from the racecourse can only add to the problems which include public urinating, vomiting, shouting and swearing, as well as littering.

I would therefore urge you to restrict sales on these days when granting a licence.

Yours faithfully,





8<sup>th</sup> April 2021

Dear Sir/Madam

**Application for New Premises Licence - Co-op, Ground Floor, Hallmark House,  
The Chocolate Works, Campleshon Road, York YO23 1PX**

We wish to object to the proposed hours for the sale of alcohol for consumption off the premises between Monday-Sunday 06:00-23.00 at the above premises.

The location of the new premises is close to York Racecourse. There should be a similar restriction to that operating for shops and off-licences in the South Bank area from selling alcohol before 7pm on race days, in an attempt to minimise post-race anti-social behaviour.

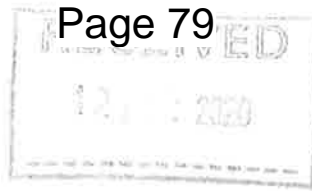
Also, we would suggest that the sale of alcohol should not be allowed before 0700 on any morning in order to protect residential amenity.

Yours faithfully

Mr & Mrs J

, Berry Mews





Hallmark House  
Joseph Terry Grove  
York YO23 1PX  
7<sup>th</sup> April 2021

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

Dear Sir/ Madame

**Re: New Premises Licence ,Co-op, Ground Floor, Hallmark House, The Chocolate works, Campleshon Road, York**

We are writing re: the application for the sale of alcohol at the above premises. While we do not object to the sale of alcohol at these premises, we have some concerns about the hours suggested for the sale of the alcohol between 6.00am – 11pm.

Our Apartment is on the \_\_\_\_\_ of Hallmark House \_\_\_\_\_ where the Co-op will have their premises.

At the time of writing this letter the Co-op have a planning application lodged with the council, to extend the shop opening hours from 22.00 to 23.00, which we believe to be excessive and can only lead to noise issues late at night for the local residents. We note that no other local co-op shop outside of the city centre in York, has opening hours that extend beyond 10pm. Given that the shop is directly below residential apartments, and in close proximity to other apartment blocks, we see no reason why this particular shop should have or need extended opening hours well into the night.

Also, a concern which has also been raised by the York City Council's Environmental Health Officer in the planning application, which has yet to be determined, raising potential noise issues affecting local residents as a direct result of the possible extended opening hours. We also do not understand why the licensing application states the sale of alcohol from 6.00am when deliveries are not approved before 7.00pm with opening hours proposed at present to 10.00pm. These were conditions in a previous planning application- 'To protect the amenity of local residents.'

City of York Council Statement of Licensing Policy 2019-2024 under section **7 Licensing Objectives** a sub heading **Prevention of Public Nuisance** which suggests that consideration needs to be taken into account re: the local residents. With this in mind we would like you to consider reducing the hours stated in the Co-op's licensing application, to protect nearby residents from possible disturbance. This seems to have been done on all other local co-op sites out of the city centre, and we fail to understand why this site should be treated any differently.

It should also be noted the close proximity of the Co-op to York race course means that on race days there would also be issued with ant-social behaviour. Therefore perhaps consideration should also be given to the restrictions on the sale of alcohol in the South Bank area before 7pm on race days to help combat potential antisocial behaviour which often effects the residents close to the York race course. We believe there was such a restriction placed on shops in the immediate area.

We would ask you please to consider the points we have made above when deciding this application.

Kind Regards

*[Handwritten signature and scribbles]*





Hallmark House  
Joseph Terry Grove  
York  
YO23 1PX

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

To whom it may concern

Ref: Notice of application for New Premises Alcohol Licence – Co-op at Hallmark House

I am writing to object to this application on the grounds that the opening hours of the Co-op are excessive being 06-00 to 23-00 hours as this could lead to anti-social behaviour around Hallmark House and the immediate area.

It has been brought to my attention that previously on race days the sale of alcohol in the South Bank area was prohibited until 7pm.  
Is this still active?

As the Co-op intend to give their customer the freedom to purchase alcohol during the day I do not consider that this is reasonable when other businesses in the area cannot on race days sell it before 7pm.

Therefore I request that this should be applied on race days to the Co-op opening hours.

Yours faithfully

*[Handwritten signature and scribbles]*



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



13<sup>th</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience of local residents.

However, I am unable to understand why there is a need to sell alcohol between 6.00hrs and 9.00hs every day, or indeed between 10.00hrs and 19.00hrs on race days, or other large events on the Knavesmire.

The Junior School is located across the road from the new Co-op store, and I would have grave concerns, resulting out of previous experience that selling alcohol in topping-up what has already been consumed, will result in a social nuisance which is likely to be either observed, or encounter by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet quality development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience. This was prior to the boundary fencing being removed, allowing access to the trees and nature reserve surrounding the development.

I therefore wish my comments to be noted whilst considering this application.

Many thanks

Kind regards

Robert Street  
York  
YO23 1PS



**Sefton, Helen**

---

**From:**  
**Sent:** 26 April 2021 12:40  
**To:** licensing@york.gov.uk  
**Subject:** RE: Licensing for the Co-op Chocolate Works 24/4/21

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.

I'm sorry my input to this (see copy below) neglected to include my address. It is , Neapolitan House, The Chocolate Works, York YO23 1PY. If you need any further information, please don't hesitate to let me know.

Best regards,

**From:** licensing@york.gov.uk <licensing@york.gov.uk>  
**Sent:** 26 April 2021 11:32  
**To:**  
**Subject:** RE: Licensing for the Co-op Chocolate Works 24/4/21

Dear Mr

Thank you for your email – please can you supply your address, without this we are unable to accept your representation.

Kind regards

Licensing Section  
t: 01904 552422 | e: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

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

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**From:**

**Sent:** 26 April 2021 10:07

**To:** [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

**Subject:** Licensing for the Co-op Chocolate Works 24/4/21

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.

24/4/21

Dear Sir/Madam,

**Re. - Licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.**

As a resident of the Chocolate Works development, I have no general objections to the sale of alcohol, (though the hours are too long, most Co-ops shut at 10pm). However, the general situation is not my most serious concern.

On race days, and other large events on the Knavesmire, the sale of alcohol at this location causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion it would be more appropriate to restrict the sale of alcohol on race/event days completely, or at least until after 7pm, allowing patrons of the event to have left the area, something I know has worked in the past.

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience, that selling alcohol and topping-up what has already been consumed will result in a social/public nuisance which is likely to be observed or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Yours sincerely,



\*\*\*\*\*

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\*\*\*\*\*

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**Sefton, Helen**

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**From:**  
**Sent:** 26 April 2021 19:12  
**To:** licensing@york.gov.uk  
**Subject:** Re: Application for licence to sell alcohol

**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.

Sorry, I should have included it. My address is:  
Bayldon Square, York YO23 1PT

On 26/04/2021 15:14, licensing@york.gov.uk wrote:

> Dear Sir

>

> Thank you for your email - please can you supply your address, without this we are unable to accept your representation.

>

> Kind regards

> Licensing Section

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

>

> City of York Council | Public Protection Hazel Court Eco Depot, James

> Street, York, YO10 3DS [www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://www.facebook.com/cityofyork)

> |@CityofYork

>

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>

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

> From: i

> Sent: 26 April 2021 14:15

> To: licensing@york.gov.uk

> Subject: Application for licence to sell alcohol

>

> 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 write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX. I have no general objection to the sale of alcohol, albeit the hours seem rather long as Co-ops generally shut at 10pm.

> However, I do have concerns about the sale of alcohol on race and event days on the Knavesmire. As a resident of the Chocolate Works housing development, my experience is that some visitors consume more alcohol than they should, and their behaviour suffers as a result. We have had instances of drunken people using our housing development as a toilet and we fear that the Co-op could become an attractive place for them to gather and consume alcohol. I would therefore suggest that alcohol sales at the Co-op on race and event days should not be allowed until 7pm, allowing patrons of the event to have left the area. I understand that this has worked well in the past.

>  
> I hope you will take this suggestion into account when the application for a licence is considered.

>  
> Yours faithfully

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> ●●●●●

> Email:  
> Tel:  
> Mobile:

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> --  
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Joseph Terry Grove,  
York, YO23 1 PU

23 April 2021

Dear Sir/Madam,

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX. I have no general objections to the sale of alcohol, albeit the hours seem too long, most Co-ops shut at 10pm.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing patrons of the event to have left the area, something I know has worked in the past.

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience, that selling alcohol and topping-up what has already been consumed will result in a social/public nuisance which is likely to be observed or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

*[Handwritten signature]*



Robert Street  
York  
YO23 1PS

26/4/21

Dear Sir/Madam,

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX. I have no general objections to the sale of alcohol, albeit the hours seem too long, most Co-ops shut at 10pm. I feel that 10pm is a much more socially acceptable time for all residents of the area.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing patrons of the event to have left the area, something I know has worked in the past.

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience, that selling alcohol and topping-up what has already been consumed will result in a social/public nuisance which is likely to be observed or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards



Neapolitan House  
Joseph Terry Grove  
York  
YO23 1PY  
23/04/2021

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

Dear Sir/Madam,

**Re: Licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.**

We have no general objections to the sale of alcohol, however I have concerns regarding a) the hours of alcohol sales on race and large racecourse event days and b) the last hour of the alcohol licence

- a) Our property overlooks both Campleshon Road and Hallmark House. My experience is that on large event days the access to alcohol before and after events contributes to disruptive and improper behaviour by a minority of attendees. There is a preventable risk that groups may congregate around the store and the quiet Chocolate Works development and result in public nuisance, anti-social or criminal behaviour. This is particularly so with post event topping up drinking. One of the access paths to the store from Campleshon Rd contains a flight of steps that is directly below our property/balcony. This has potential to be a seating area for such groups. There is also a risk that any such behaviours may be witnessed by children from the neighbouring school. We would kindly request that consideration be given to restricting the alcohol licence on race and large event days until after 7pm.
- b) We also wish to raise a concern about the 11pm upper limit of the license as a potential contributory factor to public nuisance and criminal behaviour as has been recently witnessed on the neighbouring Little Knavesmire and Millennium Bridge fields where alcohol use is a factor. This also carries a risk that the green and communal areas of the Chocolate Works development may also become a site of group gathering and duplicate behaviours due to the easy access to alcohol. I would

kindly request the alcohol licence should end at 10pm as was indicated in the 10pm closing time for the store in the development outline planning permission.

We believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards



**Sefton, Helen**

---

**From:**  
**Sent:** 28 April 2021 09:04  
**To:** licensing@york.gov.uk  
**Subject:** Re: Licensing application by the Co-op at YO23 1PX

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.

Morning,

Thanks for the reply. My address is:

Cocoa House  
 Clock Tower Way  
 YO23 1FQ

Regards

On 28 Apr 2021, at 08:24, licensing@york.gov.uk wrote:

Good Morning

it will not be published but will be shared with the applicants' agent who is entitled to a copy of all representations.

Kind regards

Licensing Section

t: 01904 552422 | e: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

**City of York Council** | Public Protection

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

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

**Please be advised that following the latest Government advice regarding the outbreak of Coronavirus (COVID-19), the Licensing Section will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause. It would help us greatly if you could communicate by email wherever possible.**

<image001.png>

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

**From:**  
**Sent:** 27 April 2021 17:48  
**To:** licensing@york.gov.uk  
**Subject:** Re: Licensing application by the Co-op at YO23 1PX

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,

I'm happy to provide my address. But will it be published or remain confidential?

Thank you

On 27 Apr 2021, at 16:09, [licensing@york.gov.uk](mailto:licensing@york.gov.uk) wrote:

Dear Sir/Madam

Thank you for your email – please can you supply your address, without this we are unable to accept your representation.

regards

Licensing Section

t: 01904 552422 | e: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

City of York Council | Public Protection

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

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

**Please be advised that following the latest Government advice regarding the outbreak of Coronavirus (COVID-19), the Licensing Section will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause. It would help us greatly if you could communicate by email wherever possible.**

<image001.png>

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

---

**From:** [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
**Sent:** 27 April 2021 16:05  
**To:** [licensing@york.gov.uk](mailto:licensing@york.gov.uk); [info@wardhadaway.com](mailto:info@wardhadaway.com)  
**Subject:** Licensing application by the Co-op at YO23 1PX  
**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 write with reference to the licensing application submitted by the Co-op Ltd, for premises at Hallmark House, York YO23 1PX.

The Co-op store is a welcome addition to the area and I have no general objections to the sale of alcohol, but would like to submit a request for the night time hours to be reduced.

I live in \_\_\_\_\_ e, approximately \_\_\_\_\_ from the entrance to the Co-op. Most of the residents in Cocoa House are either single ladies or retired couples. As such, I would much prefer if the sale of alcohol at night time could be reduced to, say, 6pm to allow safe and peaceful evenings for residents.

The convenience store will serve a large residential catchment area and we would like to keep the traffic and noise level down as much as possible. Late opening will encourage alcohol purchases after pub closing time, after race days and events on the Knavesmire, with the inevitable associated noise of traffic and revelers.

I am actually greatly distressed at the undoubted noise and anti-social behaviors that will result from late opening. I moved from an area served by a local Co-op which closed at 10pm. This seems a far more acceptable time for a business with responsibilities to the local community.

Thank you for your serious consideration of this letter

Yours faithfully

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

This communication is from City of York Council.

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

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

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

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\*\*\*\*\*  
Help protect the environment! - please don't print this email unless you really need to.  
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Licensing Services  
York City Council  
Hazel Court Eco Depot  
James Street  
York  
YO10 3DS

Clock Tower Way  
York  
YO23 1PP



23<sup>rd</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

I have two specific concerns.

1. The hours seem too long, most Co-ops across the country shut at 10pm, as a standard. There seems no good reason why this one should stay open for longer, and many reasons to retain the 10pm standard – specifically to reduce the impact of noise and anti-social behaviour at an unacceptable time
2. However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to **restrict the sale of alcohol on race/event days until after 7pm**, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

1. The first part of the document is a list of the names of the members of the committee who have been appointed to study the problem of the shortage of housing in the city of New York. The names are as follows:

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100 _____	101 _____

Robert Street

York

YO23 1PS

24 April 2021

Dear Sir or Madam,

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, whilst I have no general objections to the sale of alcohol, I think the shop opening hours are too long - most Co-ops shut at 10pm and given the shop location is in a very quiet residential area (with many families with young children), with apartments above and around the shop, 10pm seems appropriate for this location too.

Secondly, on race days and when other large events are taking place on the Knavesmire, my experience from living locally for many years is that the more access people attending the races and other events have to alcohol before and after the actual event, leads to disruptive and improper behaviour. I am therefore very concerned about the hours alcohol is proposed to be on sale. It would be preferable to restrict the sale of alcohol on race/event days until after 7pm, allowing patrons of the event to have left the area.

The likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed, with drunken groups of people wandering round the area. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who have already used the area as a public convenience on race days.

Furthermore, the local primary school is located across the road from the new store, and I have concerns that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be observed or encountered by children attending the school.

I believe the above two objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Yours faithfully,

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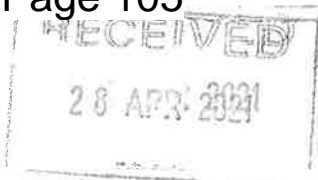
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Date 26/4/2021

Dear Sir/Madam,



Check Tower  
YORK. YO23 1PP

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX. I have no general objections to the sale of alcohol, albeit the hours seem too long, most Co-ops shut at 10pm.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing patrons of the event to have left the area, something

I know has worked in the past.

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience, that selling alcohol and topping-up what has already been consumed will result in a social/public nuisance which is likely to be observed or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

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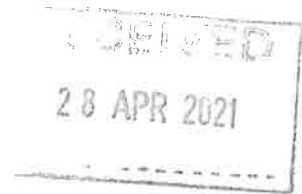
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S

NEAPOLITAN HOUSE  
JOSEPH TERRY GROVE  
YORK  
YO23 1PY



23<sup>rd</sup> April 2021

Dear Sir/Madam

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

I own an optical practice next door to a Co-op in the York area and have first hand experience of the anti-social behaviour that accompanies the sale of alcohol from supermarkets - and it doesn't necessarily only happen late evening.

Moreover, on race days and at large events on the Knavesmire, it causes me even greater concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need more exposure to.

In my opinion I am sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing patrons of the event to have left the area, something I know has worked in the past.

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience, that selling alcohol and topping-up what has already been consumed will result in a *social/public nuisance which is likely to be observed or encountered by children attending the school.*

Furthermore, the likelihood of gathering around the store, situated in The Chocolate Works, could also result in crime and disorder as a direct result of too much alcohol being consumed. Already in the past residents have been confronted by drunken groups of people on race days, and as a single person I will feel particularly vulnerable walking in the area to approach my own home in the Chocolate works. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience - something I have been witness to from my own front room - on race days!

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Yours faithfully



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



25<sup>th</sup> April 2021

Dear Sir/Madam,

We write with reference to the licensing application submitted by the Cooperative Group Food Limited.

Address of Premises: Co-op, Ground Floor, Hallmark House, The Chocolate Works, Campleshon Road York YO23 1PX.

Firstly, we wish to confirm our full support for the new store which is very much required for the convenience and benefit of residents.

We have no general objections to the sale of alcohol, albeit the hours for the sale of alcohol for consumption off the premises between Monday-Sunday 06.00-23.00 seem rather excessive.

However, on race days and when there are other large events on the Knavesmire, such excessive hours cause us great concern. Our experience is that the more access patrons of the races and other events have to alcohol before and after the actual event leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to. In our opinion it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something we understand has worked in the past.

The local primary school is located across the road from the new Co-op store, and we are concerned that anti-social behaviour is likely to be either observed or encountered by children attending the school.

Furthermore, the likelihood of gatherings around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed. The Chocolate Works is a quiet residential development with green spaces and seating which we fear would be a focus for inebriated people, who in the past have used the area as a public convenience.

We are aware of other residents who have similar concerns but believe the decision to grant the application is a fait accompli, consequently, they feel it irrelevant whether they register their objections. We fervently believe they are wrong in that regard.

Finally, we believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. We therefore wish these comments to be fully considered when determining this application.

Kind regards





*Carousel House*  
*Joseph Terry Grove*  
*York*  
*YO231FJ*





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

13<sup>th</sup> April 2021

HARLEQUINHS  
JOSEPH TERRY GROVE  
YORK  
YO23 1FN

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

*[Handwritten signature and scribbles]*

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

13<sup>th</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

JOSEPH TERRY GROVE  
YORK  
YO23 1PX



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

13<sup>th</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

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Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

HARLEQUIN HOUSE  
JOSEPH TERRY GROVE  
YO23 1FN

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In my opinion, the most significant challenge in this process is ensuring that all relevant parties are kept informed and that the information is shared in a timely manner. This requires a clear communication protocol and regular updates.

The local school district has been instrumental in providing the necessary resources and support for this initiative. Their commitment to the project is a key factor in its success.

Furthermore, the community's involvement has been crucial. By encouraging parents and students to participate, we have been able to gather valuable insights and feedback.

The data collected so far shows a positive trend, with a significant increase in participation and a higher level of engagement. This indicates that the program is resonating with the target audience.

In conclusion, the project has been a success, thanks to the dedication of the school district and the active participation of the community. We look forward to continuing our efforts and exploring new ways to improve the program.

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

13<sup>th</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

**In my opinion** I'm sure it would be more agreeable to restrict the sale of alcohol on ~~race/event~~ days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

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CHARLEQUIN HOUSE  
JOSEPH TERRY GROVE  
4023 1FN

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

13<sup>th</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

Harlequin House

The local action group has already been established and is now working on a number of projects. The group is made up of people from the local community who are interested in the area and want to make a difference. They have already been successful in getting some of their ideas implemented and are now looking for more people to join them. The group is open to anyone who is interested and would like to help out. They meet regularly and discuss the progress of their work. They also have a number of projects that they are working on at the moment. These include a community garden, a recycling scheme and a local history project. They are also planning to start a local library and a community centre. The group is very active and is making a real difference to the local area. They are a great example of what can be achieved when people work together.

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

13<sup>th</sup> April 2021

Dear Sir/Madam,

I write reference the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX.

Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

MARLEQUIN HOUSE  
JOSEPH TERRY GROVE  
YORK  
YO23 1FN

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



13<sup>th</sup> April 2021

Dear Sir/Madam,

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Firstly, I wish to confirm my full support for the new store as it very much required for the convenience and benefit of local residents.

I have no general objections to the sale of alcohol, albeit the hours seem too long.

However, on race days and other large events on the Knavesmire, this causes me great concern. Having lived locally for many years, my experience is that the more access patrons of the races and other events have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race/event days until after 7pm, allowing all patrons of the event to have left the area, something I know has worked in the past

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed, or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines

I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

- ' "

HARLEQUIN HOUSE  
JOSEPH TERRY GROVE  
YO3 1FN

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the data is as accurate and reliable as possible.

The third part of the document focuses on the results of the analysis. It shows that there is a clear trend in the data, which is consistent with the initial hypothesis. This finding is significant and provides valuable insights into the underlying patterns.

Finally, the document concludes with a summary of the key findings and a list of recommendations for future research. It suggests that further studies should be conducted to explore the implications of these findings in greater detail.

The following table provides a detailed breakdown of the data collected during the study. Each row represents a different category, and the columns show the corresponding values.

Category	Value 1	Value 2	Value 3
Category A	12.5	34.2	56.7
Category B	23.1	45.8	67.9
Category C	34.5	56.2	78.3
Category D	45.7	67.4	89.1
Category E	56.9	78.6	90.2

The data shows a clear upward trend across all categories, with the most significant increase seen in Category E. This suggests that the factors being studied have a positive impact on the overall results.

In conclusion, the study has provided a comprehensive overview of the data and its implications. The findings are consistent and provide a solid foundation for further research in this area.

23 APR 2021

4023 1PS

24<sup>th</sup> April 202

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Dear Sir / Madam,

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Malmesbury House, YORK YO23 1PS

Firstly, I wish to confirm my full support for the new store as it is very much required for the convenience and benefit of local residents.

I <sup>have</sup> no general objections to the sale of alcohol, albeit the hours seem too long.

However on race days and other events on the town this causes me great concern. From experience the mere access patrons of the races and other events have alcohol before and after the actual event only leads to disruptive and improper behaviour, this is not something South Bank residents and the broader public want or need exposure to.

In my opinion I'm sure it would be more agreeable to restrict the sale of alcohol on race / event days until after 7pm allowing all patrons of the event to have left the area, something I know has worked in the past.

The local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience that selling alcohol and topping-up what has already been consumed, will result in a social/public nuisance which is likely to be either observed or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people.

The Chocolate Works is a quiet residential development with green spaces and seating which I fear would

be a focus for these un-liken people, who in the past have used the area as a public convenience.

I believe the above observations/objections cover all the licensing objectives laid out in the council guidelines.

I therefore wish my comments to be seriously taken into account, whilst considering this application

Kind regards

✓  
✓  
✓

ROBERT STREET  
YORK  
YO23 1PS.



*Received 29/04/21 via website*

Dear Sirs,

I write with reference to the licensing application submitted by the Co-op Ltd, Ground Floor, Hallmark House, York YO23 1PX. I have no general objections to the sale of alcohol, but the hours seem too long. 6.00 am is too early and most Co-ops shut at 10pm. Given the location of the facility which is within an accommodation block and surrounded completely with other residencies sufficient consideration must be given to the residents and their quality of living.

This applies to all days of trading but must become more acute on race days and other large public events on the Knavesmire.

Experience is that the more access patrons have to alcohol before and after the actual event only leads to disruptive and improper behaviour, not something South Bank residents and the broader public want or need exposure to.

Also bear in mind that the local school is located across the road from the new Co-op store, and I would also have grave concerns, resulting out of previous experience, that selling alcohol and topping-up what has already been consumed will result in a social/public nuisance which is likely to be observed or encountered by children attending the school.

Furthermore, the likelihood of gathering around the store and the nearby Chocolate Works could also result in crime and disorder as a direct result of too much alcohol being consumed as residents are confronted by drunken groups of people. The Chocolate Works is a quiet residential development with green spaces and seating which I fear would be a focus for these drunken people, who in the past have used the area as a public convenience.

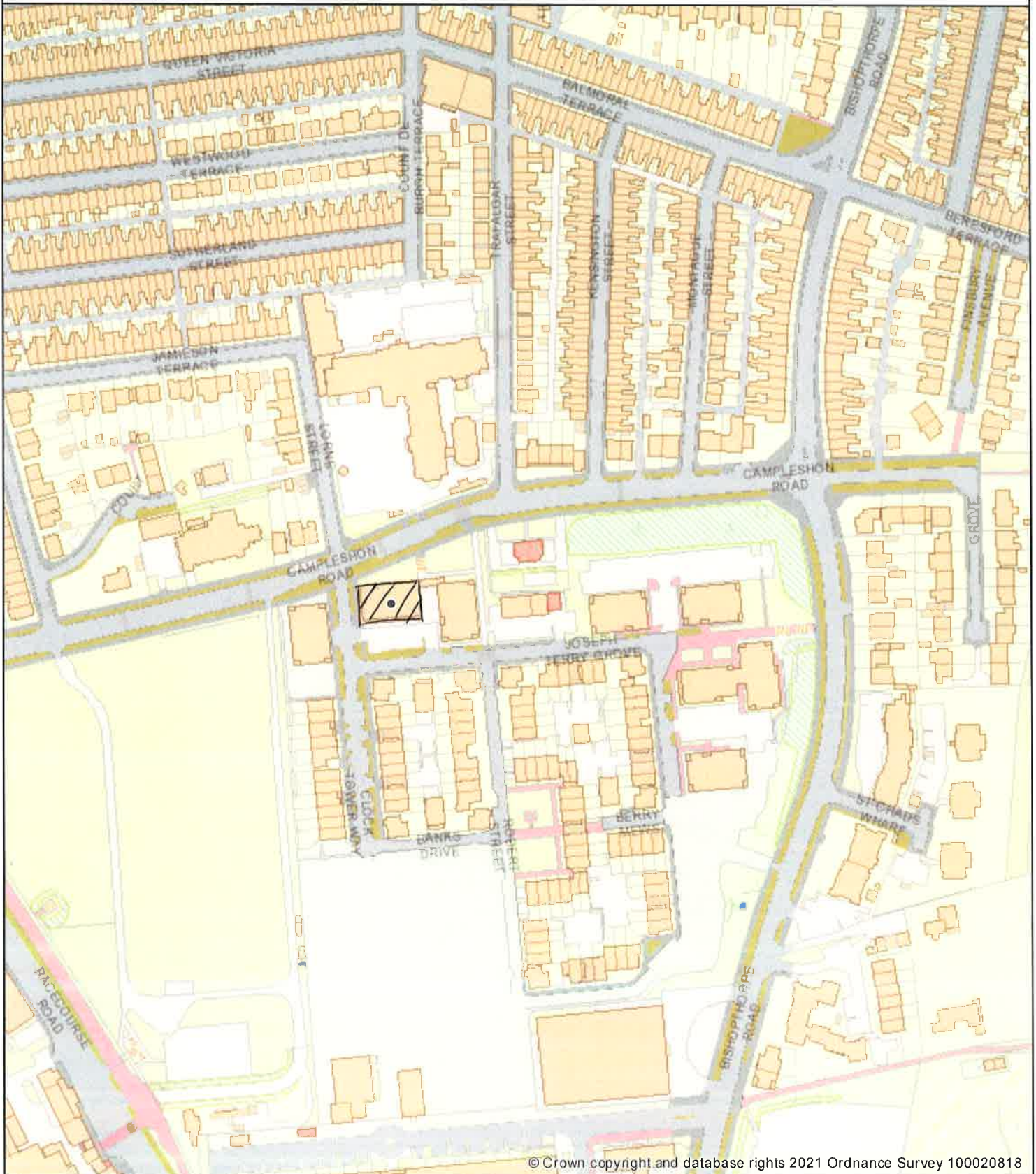
I believe the above observations/objections cover all the licensing objectives laid out in the Council guidelines. I therefore wish my comments to be seriously taken into account, whilst considering this application.

Kind regards

Clock Tower Way  
YO23 1PP



# Map of area

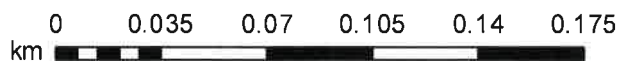


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**Date:** 20 Apr 2021

**Author:** n/a

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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.

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