

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Mason, Nicholls

Date: Thursday, 2 November 2023

Time: 10.00 am

Venue: The Thornton Room - Ground Floor, West Offices (G039)

A G E N D A

PROCEDURE FOR LICENSING HEARING (PUBLIC PARTICIPATION PROTOCOL)

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

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

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

4. Exclusion of Press and Public

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

5. Minutes

To approve and sign the minutes of the Licensing Hearing held on 11 September 2023.

6. The Determination of an Application by Nicholas Charles West for Premises License [Section 18(3)] in respect of Bison Coffee Bar, 17 Heslington Road, York, YO10 5AR. (CYC-074343)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

- Telephone – (01904) 55 3549
- Email - reece.williams@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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

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

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

Representations at Licensing Hearings

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

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

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

Procedure prior to the Hearing - remote and hybrid meetings

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

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

Procedure prior to the Hearing – Physical Meetings

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

Procedure at the Hearing

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

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

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

Licensing Officer

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

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

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

The Application

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

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

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

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

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

The Representations

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

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

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

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

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

Cross-examination

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

Summaries

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

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

35. The Chair will provide the Sub-Committee members with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

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

Determination

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

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

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

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

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

Declarations of Interest – guidance for Members

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

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

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

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City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	11 September 2023
Present	Councillors Cuthbertson, Mason and Smalley

1. Chair

Resolved: That Councillor Mason be elected to act as Chair of the hearing.

2. Introductions

The Chair invited those present to introduce themselves; the Sub-Committee Members, the Legal Adviser, the Licensing Manager, the Democratic Services Officers, the applicant: Roxy Leisure Ltd, and the representors: Michael Fieldsend, Jon Horsman, Neil Mackenzie, Rae Mould, Martina Weitsch, and Julia Weston.

3. Declarations of Interest

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

4. 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.

5. Minutes

Resolved: That the minutes from the Licensing Hearings held on 19 July 2023, 24 July 2023, and 8 August 2023 be signed and approved as an accurate record.

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

Members considered an application by Roxy Leisure Ltd for a premises licence in respect of Stonebow House, York.

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

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

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

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

The Licensing Manager outlined the report and annexes, and it was noted that there was an ongoing license attributed to part of Stonebow House registered to Try Market Hall York Ltd. This license was still valid and in force but was suspended as the premises never opened. There was a different premises license for the Co-Op supermarket also operating on part of the ground floor.

She also noted that the premises were not situated inside the Cumulative Impact Area (CIA) and that the Applicant had carried out the consultation process correctly. She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with North Yorkshire Police, as set out in Annex 3. She also explained that additional conditions agreed with City of York Council's Public Protection team were set out in Annex 4. She also drew attention to the 38 representations made by other parties at Annex 6. Finally, she advised the Sub-Committee of the options open to them in determining the application.

In response to a question from Julia Weston, the Licensing Manager explained that 'vertical drinking' referred to a premise where the majority of customers would be consuming alcohol while standing.

4. The Applicant's representations at the Hearing. The applicant drew attention to Supplement 1 – Additional information from Applicant and provided some history on Roxy Leisure. They added that they operate across 17 sites already, including within other authorities' CIAs and that they had never had a license reviewed or enforcement action taken. They also noted that the premises has been empty for over 5 years and that both the CEO and Managing Director (MD) of the company had their own personal licenses, and both had experience within the industry.

They outlined the plan of the premises and highlighted that the main function was a competitive socialising venue and that all licensable activities authorised by the licence shall be ancillary to this. They then noted that up to 50 per cent of the total revenue was made up from the gaming revenue with a further 8-10 per cent being from food and that a lot of the custom was pre-booked. They noted that Roxy Leisure had a training and culture manager who oversees all training and that managers must attend a 6-week in-house training course with other staff undergoing a minimum two weeks of training.

The Applicant went on to state that they had consulted with the responsible authorities to mitigate concerns and that a site meeting took place in June. They stated that an information poster was also posted alongside the blue notice providing further information on the application to residents. They also liaised with the local residents and the local MP and held meetings where further information was provided.

The Applicant then discussed the application and drew attention to the conditions agreed with responsible authorities and the noise mitigation and management plan. He then addressed some of the concerns raised by the application and their assurances were detailed in the fact sheet contained in Agenda Supplement 1. They concluded by highlighting that there were no representations from responsible authorities, they had liaised with residents and that Roxy Leisure were experienced to ensure the licensing objectives would be promoted.

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

- Waste would be kept inside the premises.
- Litter patrols would be undertaken around the whole perimeter of the premises.
- On average 2 beer deliveries would be received per week, which would take place only between 8am-8pm.
- Revenue from alcohol accounted for around 40%.
- Fire regulations had not yet taken place to determine the maximum capacity of the premises, but no more than 400 would be expected at one time.
- Training was constantly being updated and when a new employee starts, they were automatically enrolled into their training system. Employees were encouraged to complete certain tasks on the online training tool within a certain amount of time, and one-to-one meetings were used to support this.
- Roxy Leisure had a completely different business plan and attraction to the previous nightclub premise.
- The premises would be sound insulated, and communication would be kept open with residents.

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

- The Applicant would look to bring in an experienced manager for the venue.
 - The average of a group booking for other venues was 2-4 people. Most games were only for two players with a maximum of 6 on bowling lanes. Any groups of over 15 people would need to go through the sales team for approval. The average time spent at a venue was around 2-3 hours.
 - Visits were driven by availability and walk-ins were rare, if there were no available activities then people would usually leave.
5. The representations made by local residents.

Rae Mould spoke representing the residents of Lady Hewley Cottages and explained that the residence had previous experience of a late-night venue causing sleep deprivation, stress and increasing anti-social behaviour, including property damage. They did not want this to occur again as the residence was offered as a tranquil residence and they would endure problems with sleep again if noise became an issue. In response to questions from the panel, Rae stated that a telephone number of which it must be assured will be answered should be provided. She stated that in regard to previous nightclubs in the area, many residents couldn't get through to the phone number that was provided.

Rae Mould then made a representation on behalf of herself. She stated that there was a row of cottages within yards of Stonebow House which were built primarily for the elderly. Rae commented that she believed this had not been considered by the Applicant. She noted that when she attended the meeting held by Roxy Leisure Ltd for residents in the area, there was confusion of where to enter, and there was a lack of adequate provision for elderly and disabled residents, who had to either stand or leave the premises. The Lady Hewley Trust helps vulnerable people with housing and Rae stated that this could be put in jeopardy with a venue such as Roxy Ballroom in close proximity.

Jon Horsman spoke representing the mental health charity, Mainstay. He highlighted how he had worked with Lady Hewley Cottages during a previous licensing application from Try Markets York Ltd. He noted that he had liaised with the Applicant, and that he was happy with how the Applicant has mediated on some conditions to address public disorder and public nuisance. He asked for some assurance that concerns from residents would be dealt with and not dismissed. He also asked for clarification on the telephone number provided by the Applicant to residents and noted the lack of soundproofing in the premises.

Neil Mackenzie, a Lady Hewley Charity Trustee, noted that the premises was just outside the CIA (Cumulative Impact Area) and so asked that this was considered in deliberations due to the noise pollution that the venue would contribute towards. He added that he had lived next to a pub and has first-hand experience of being affected by noise pollution. He added that he would like glass waste to be crushed inside the premises, that waste be kept inside in locked containers to prevent issues with rodents, and that staff undertake nightly cleaning checks around the venue.

Martina Weitsch commented on behalf of York Green Party regarding the venue's location adjacent to the CIA (Cumulative Impact Area). She highlighted that with it being outside the CIA, the venue would affect the area as it would contribute to traffic into the city. She also spoke on how the premises was advertised and raised concerns about the presence of inebriated individuals near the bus stop located outside the venue, where there were children and elderly people. She noted that there were plenty of drinking halls in York and stated that this venue would make anti-social behaviour in the city worse.

Michael Fieldsend also commented on the potential traffic caused by the venue on residential streets and noted that customers would be smoking outside the venue, near a public bus stop. He also noted that the area had become increasingly residential with many offices being converted into residential properties and that anti-social behaviour would be made worse. He then questioned the applicant

on their employment process; how many young people would be employed, and asked if these would be on zero-hours contracts.

Julia Weston also stated that many offices in the area of Stonebow House had been turned into residential properties, with more expected to be converted. She noted that the residents of St Saviourgate lived in buildings with single glazed windows so the noise from the venue would carry over. She explained that there was already anti-social behaviour in the area and this licence would not help to alleviate issues before explaining that the telephone number solution had never previously worked. She also commented that the language used by Roxy Leisure Ltd in their communication highlighted drinkers as their target audience, using words such as "Booze and balls" in their promotions to attract groups of drinkers before commenting on the lack of sound proofing of the venue.

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

Rae Mould declined the opportunity to sum up.

Jon Horsman summed up and asked the Applicant if they would be willing to meet with residents in a few months if the application were to be successful.

In summing up, Neil Mackenzie requested the panel to consider the statements made by the residents of Lady Hewley Cottages.

Martina Weitsch summed up and commented that the proposed venue was the wrong enterprise in the wrong place.

Michael Fieldsend summed up and stated that the venue was being proposed in a largely residential area and the premises would have no control over public nuisance once customers have left the venue.

Julia Weston declined the opportunity to sum up.

The Applicant summed up. They commented that there would be a telephone number and an email address for the premises available and were happy to hold another meeting with residents in 3 months' time. They also noted that the application was well thought out and that it had complied with the additional conditions set out by the Responsible Authorities to ensure that the licensing objectives were met. They explained that Roxy Leisure Ltd have had no previous licence enforcement action taken against them and they have closely liaised with the local residents. They noted that this was a different venue to previous ones in the area, it had a noise management plan with some soundproofing and a noise limitation device condition, and the venue was not prioritising the sale of alcohol. They explained that the main function was a competitive socialising venue and that all licensable activities authorised by the licence shall be ancillary to this before noting that the venue was not in the CIA area. They concluded that the management team was highly experienced, and the operating schedule would meet the licensing objectives.

In response to final points of clarification raised by the Sub-Committee the Applicant stated that the average group booking is for 2 to 4 men and women and that peak times are between 4pm – 9pm mid-week and 3pm to 10pm at weekends.

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

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

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

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

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

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

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

Activity	Timings
Films - indoors	10:00 to 23:00 Mon to Wed 10:00 to 00:00 Thurs to Sat 10:00 to 22:30 Sun
Recorded Music - Indoors	10:00 to 23:00 Mon to Wed 10:00 to 00:00 Thurs to Sat 10:00 to 22:30 Sun
Late Night Refreshment - indoors	23:00 to 00:00 Thurs to Sat
Supply of Alcohol - on the premises	10:00 to 23:00 Mon to Wed 10:00 to 00:00 Thurs to Sat 10:00 to 22:30 Sun
Opening Hours	09:00 to 23:30 Mon to Wed 09:00 to 00:30 Thurs to Sat 09:00 to 23:00 Sun
Seasonal variations / non-standard timings	New Year's Eve hours shall be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. For statutory bank holiday weekend periods (Friday, Saturday, Sunday, and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times.

The conditions agreed between the Applicant and North Yorkshire Police set out in Annexe 3 of the agenda and the conditions agreed between the Applicant and Public Protection numbered 1, 2, 4 and 5 as set out in Annexe 4 of the agenda shall be added to the licence.

The following conditions shall also be added to the licence:

- No bottles, glasses or similar items may be disposed of in outside receptacles between 20:00 and 08:00 hours.
- A direct telephone number for the manager on duty at the premises and an email address for the area manager shall be made available via letter every 6 months to the residents of Lady Hewley Cottages, St Saviourgate and Stonebow House.
- The number of customers permitted in the premises at any one time shall not exceed 400 customers.

The conditions contained in the Operating Schedule shall be added to the licence unless contradictory to the above conditions,

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

Reasons:

- i. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- ii. The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies.
- iii. The Sub-Committee noted that this was a new licence application and was very conscious of the premises' location in close proximity to local residences, including housing for elderly and vulnerable people.
- iv. The Sub-Committee carefully considered the representors' objections that the location of the

premises (which have previously operated as a night club) is wholly unsuitable for the proposed licence due to the adverse effects it would have on the surrounding area. In particular, that public nuisance and crime and disorder arising from the operation of the proposed licence would materially reduce the living amenity and environment of residents living in this area.

- v. The Sub-committee noted the evidence put forward by the Applicant as to the style of the proposed operation, its operating schedule, consultation with the Police and Public Protection and engagement with residents.
- vi. The Sub-Committee noted that the Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, did not consider that the licensing objective of the prevention of crime and disorder would be undermined if agreed conditions are attached to a premises licence. The Sub-Committee considered the fact that the Police did not object to the application carried great weight and it was satisfied that, with the imposition of suitable conditions the prevention of crime and disorder objective would not be undermined.
- vii. The Sub-Committee also noted that Public Protection had agreed proposed conditions with the Applicant to address potential noise issues, including the requirement for a noise management plan, a dispersal policy, and a noise limitation device.
- viii. The Sub-Committee was reassured by the evidence given by the Applicant including details of the style of operation which is different to the nightclub operation that operated previously, the level of experience generally, staff training, its willingness to engage with residents and responsible attitude towards promotion of the licensing objectives.

- ix. Whilst the Sub-Committee acknowledged the concerns expressed by residents, it considered that it did not find any evidence to justify a refusal of the application in order to promote the licensing objectives. The Sub-Committee felt on the basis of the evidence before it that the imposition of suitable additional conditions on the premises licence would be adequate to promote the licensing objectives in this location. The Sub-Committee considered it was appropriate to impose additional restrictions on the disposal of bottles, to limit the capacity of the premises and to condition that telephone contact numbers are regularly made available to local residents in order to prevent crime disorder and prevent public nuisance. In view of the nature of the proposed activities, it considered that these measures were adequate and proportionate to address the concerns raised by residents.
- x. Accordingly, in all of the circumstances of the case the Sub-Committee was satisfied that with the additional conditions it imposed on the licence it would be sufficiently robust to allay the fears of local residents and that it could operate without undermining the licensing objectives.
- xi. It was also noted that the Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant of a premises licence, a Responsible Authority or 'other persons', such as a local resident, to ask the Licensing Authority to review the licence if they consider that one or more of the licensing objectives are being undermined.

Cllr A Mason, Chair

[The meeting started at 5:30pm and finished at 8:35pm].

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Licensing Act 2003 Sub Committee

2 November 2023

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Bison Coffee Bar, 17 Heslington Road, York, YO10 5AR

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 - 074343
3. Name of applicant: Nicholas Charles West
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 coffee shop/café.

Proposed Activity	Timings
Supply of Alcohol – Both on and off the premises	10:00 – 23:00 Everyday
Opening hours	09:00 – 23:00 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 two downstairs rooms and one upstairs room, with a outside seating to the front and a rear patio area. Off sales to be consumed in the two external areas.

8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

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

General

10. Ensure the licensing objectives are displayed for all staff to see and that they know and understand them.

11. The Prevention of Crime and Disorder

- a) Create a friendly atmosphere by always demonstrating good conduct and core values.
- b) Spotting antisocial behaviour quickly and dealing with it discreetly.
- c) Understanding and identifying when it is an appropriate time to act upon or report undesirable or illegal behaviour.
- d) Ensuring staff are trained in company expectations for conduct, and that any antisocial behaviour is dealt with and reported to the manager.

12. Public Safety

- a) To ensure that Bison café bar is a safe space for all customers, and that they feel comfortable. Staff should ensure customer safety is the first priority.
- b) Display 'Ask for Angela' posters in the toilet and ensure staff are trained to respond to consequential requests.
- c) To remove any hazards which may be a risk to the public.
- d) To ensure safety precautions are taken prior to all daily activities and business operations.
- e) To make sure safety equipment and supplies are available and that all staff understand how to access and use them.
- f) To ensure staff are always working in a safe and cautious manner and understand the potential dangers in the café.
- g) Staff must report to the management any public safety issues which may arise during trading hours.

13. The Prevention of Public Nuisance

- a) All staff must be confident with engaging with the public and be able to either deal with personally or report to the management at evidence of public nuisance.
- b) When serving customers, it is ultimately the manager's responsibility to judge whether the customer can be served.
- c) Anyone causing public nuisance on the premises or in designated outdoor areas will be asked to leave the premises. If this fails, the person causing the nuisance should be warned that the police will be called if they do not cease their behaviour.

14. The Protection of Children from Harm

- a) When selling alcohol, use the 'Challenge 25' initiative and ask for photo ID where appropriate.
- b) Decline to serve anyone who cannot produce evidence of genuine ID.
- c) Display 'Challenge 25' posters.

Special Policy Consideration

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

Consultation

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

Summary of Representations made by Responsible Authorities

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

Summary of Representations made by Other Parties

19. There has been one relevant representation received from another person. These details are attached at Annex 4.
20. The representation is predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder objectives. They state that these objectives will be undermined if the application is granted.
21. A copy of all the representation is attached at Annex 5.
22. A map showing the general area around the venue is attached at Annex 6.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

Options

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

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**



Date

13/10/23

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

Wards Affected: Fishergate Ward



For further information please contact the author of the report

Background Papers:

Annex 1 - Application form and Plan;

Annex 2 - Overview of Circumstances in which Entertainment Activities are not Licensable;

Annex 3 - Condition agreed with North Yorkshire Police;

Annex 4 - List of Representors (**Confidential**);

Annex 5 – Representations;

Annex 6 - Map of area;

Annex 7 - Mandatory Conditions;

Annex 8 - Legislation and policy.

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

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nicholas Charles West apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Bison Coffee Bar, 17 Heslington Road. Coffee shop over two floors.	
Post town York	Post code YO10 5AR

Telephone number of premises (if any)

Non-domestic rateable value of premises

£6400

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals* | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | | |
| i. as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname First names

Please tick yes

Date of Birth I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	9	2	0	2	3

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

Please give a general description of the premises (please read guidance note 1)
 Two downstairs rooms, one upstairs room, outside seating area in front of premises, rear patio area.
 Off-sales will be consumed in these areas.

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

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)

- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 4)		
Tue			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 4) Music will be amplified acoustic music with singing or DJ. No drum kits.	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 5) Other national holidays, e.g. Christmas eve, New year's eve.		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 6) Sunday lunch times before a bank holiday.		
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 4) Amplified background music.	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (
Sat						
Sun						

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing Poetry, comedy, meetings etc.		
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Any vocal performance or speech will not be amplified.		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	1000	2300	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	1000	2300			
Wed	1000	2300	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Thur	1000	2300			
Fri	1000	2300			
Sat	1000	2300			
Sun	1000	2300			

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name
Nicholas Charles West

Address

Postcode

Personal licence number (if known)
CYC-68197

Issuing licensing authority (if known)

City of York Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

Performances may contain adult language. **N/A**

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0900	2300	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)
Tue	0900	2300	
Wed	0900	2300	
Thur	0900	2300	
Fri	0900	2300	
Sat	0900	2300	
Sun	0900	2300	

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M

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

a) **General – all four licensing objectives (b, c, d, e) (please read guidance note 10)**

Ensure the licensing objectives are displayed for all staff to see and that they know and understand them.

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

Create a friendly atmosphere by demonstrating good conduct and core values at all times.
Spotting antisocial behaviour quickly and dealing with it discreetly.
Understanding and identifying when it is an appropriate time to act upon or report undesirable or illegal behaviour.
Ensuring staff are trained in company expectations for conduct, and that any antisocial behaviour is dealt with and reported to the manager.

c) **Public safety**

To ensure that Bison café bar is a safe space for all customers, and that they feel comfortable. Staff should ensure customer safety is always the first priority.
Display 'Ask For Angela' posters in the toilet, and ensure staff are trained to respond to consequential requests.
To remove any hazards which may be a risk to the public at all times.
To ensure safety precautions are taken prior to all daily activities and business operations.
To make sure safety equipment and supplies are available and that all staff understand how to access and use them.
To ensure staff are always working in a safe and cautious manner, and understand the potential dangers in the café.
Staff must report to the management any public safety issues which may arise during trading hours.

d) **The prevention of public nuisance**

All staff must be confident with engaging with the public, and be able to either deal with personally or report to the management at evidence of public nuisance.
When serving customers, it is ultimately the manager's responsibility to judge whether the customer can be served. Staff on duty can make that judgement, but are not liable.
Anyone causing public nuisance on the premises or in designated outdoor areas will be asked to leave the premises. If this fails, the person causing the nuisance should be warned that the police will be called if they do not cease their behaviour.
If this fails, police should be called.
NO STAFF SHOULD ATTEMPT TO RESTRAIN OR INTERVENE WITH A MEMBER OF THE PUBLIC CAUSING NUISANCE, UNLESS OTHER CUSTOMERS ARE AT SERIOUS RISK AND IF THE STAFF MEMBER FEELS CONFIDENT IN INTERVENING. STAFF ARE NOT OBLIGED TO GET INVOLVED IN ANY DISPUTES.
IF SUPPORT IS NEEDED, THE MANAGER SHOULD BE CALLED FOR HELP.

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

When selling alcohol, use the 'Challenge 25' initiative and ask for photo ID where appropriate.
Decline to serve anyone who cannot produce evidence of genuine ID.
Display 'Challenge 21' posters.

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where Applicable

- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

[Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships]


- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15)

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

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 PURUANT 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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] <ul style="list-style-type: none"> • 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 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).
Signature	
Date	16-08-2023
Capacity	Director Owner

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
Nicholas Charles West 35, White Cross Road	
Post town York	Post code YO31 8JR
Telephone number (if any) 07946287971	

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
Bisoncoffee1@gmail.com

Notes for Guidance

1. Describe 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.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please 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 or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service

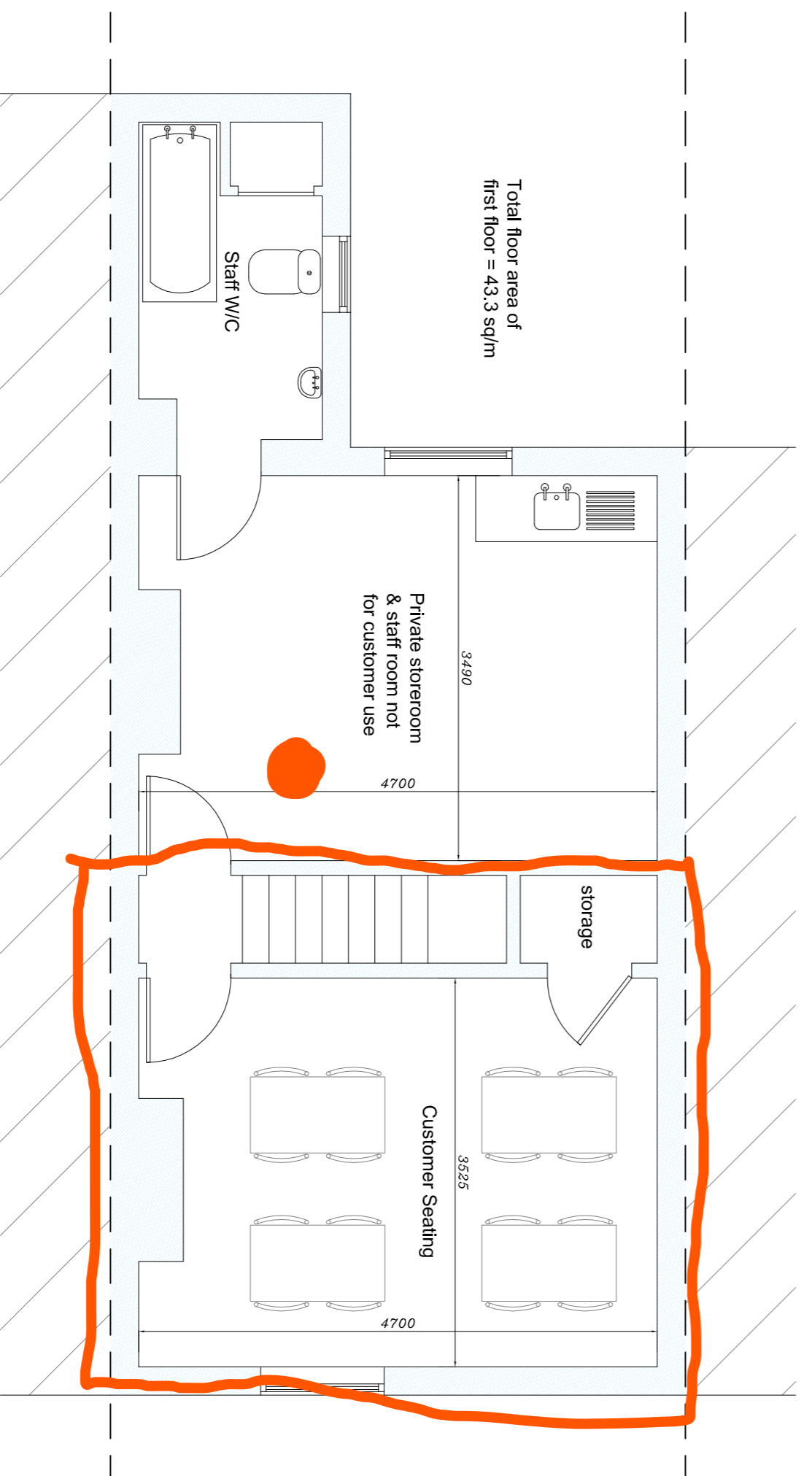
As an alternative to providing a copy of original documents, stated above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 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, will allow the licensing authority to carry out the check.

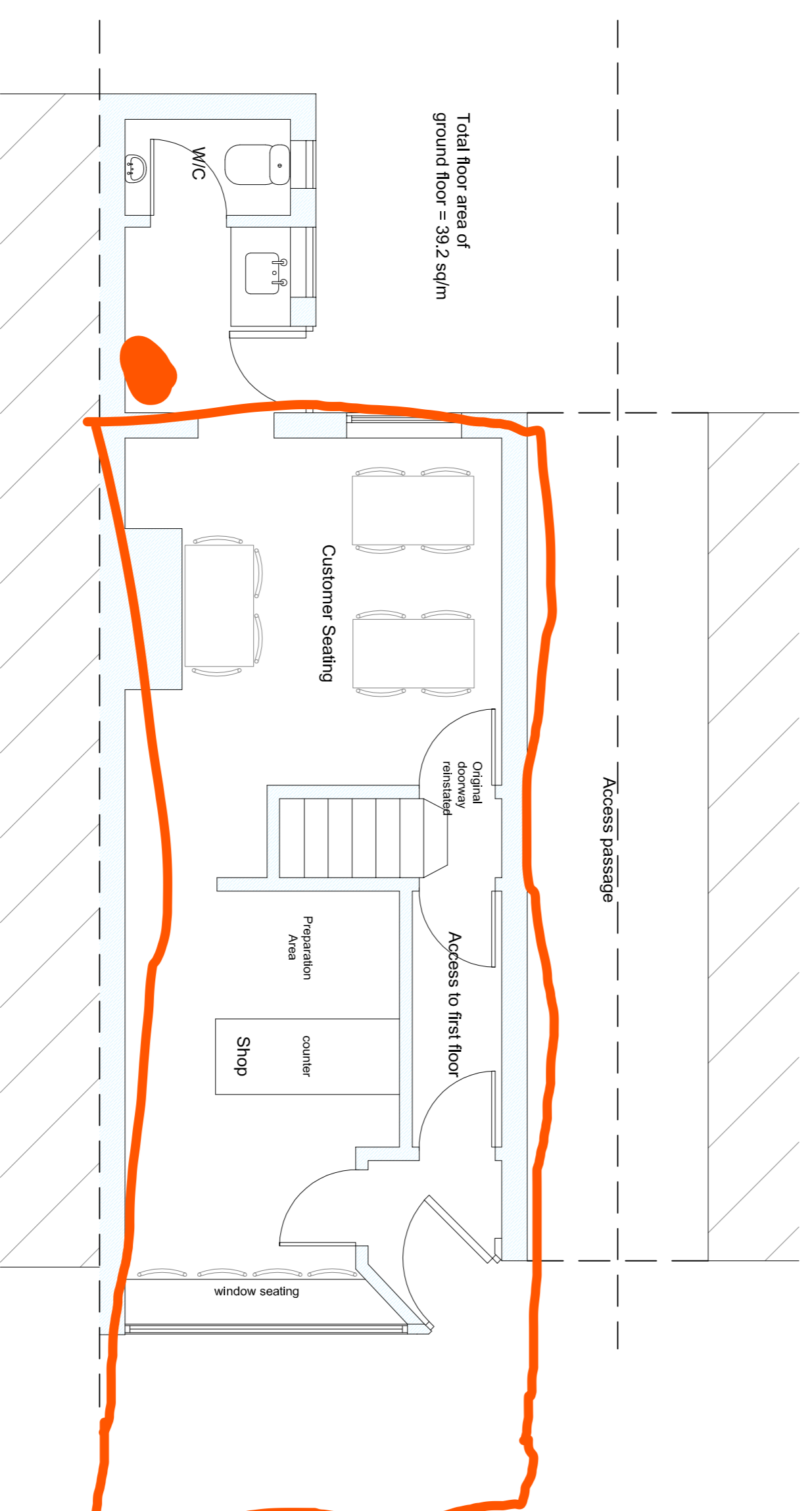
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. 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.

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.



FIRST FLOOR PLAN



GROUND FLOOR PLAN

Fire Extinguisher

notes :

This drawing is for the purpose of obtaining **Planning Permission** only and is not to be used as working drawings. The drawings do not take into account any structural elements or calculations which must be obtained from a qualified Structural Engineer.

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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable.

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

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

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

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - A performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the

organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - Any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - Any playing of recorded music between 08.00 and 23.00 on any day, at the non- residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g., in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice and may find responsible authorities a useful source of expert support and advice.

Annex 3 - Conditions agreed with North Yorkshire Police

1. The premises shall operate predominantly as a coffee shop and not as a vertical drinking establishment.

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

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

3. An incident log (sequential day to page diary or electronic log) will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- all crimes reported to the venue
- any complaints received regarding crime and disorder
- any incidents of disorder
- any refusal of sale of alcohol
- any visit by a relevant authority of emergency service

with such records being kept for a minimum of 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];

4. On Sales of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

5. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

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.

6. No open drinks containers shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

7. All off sales of alcohol shall be in sealed containers.

8. All Doors and windows shall be kept shut after 21:00 hours daily.

9. There shall be a minimum of 12 seats provided at all times for customer use inside the premises when the premises is trading.

10. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, or identification carrying the PASS logo.

11. No external area at the premises shall be used after 21:00 hours.

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

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From: [REDACTED]
Sent: 18 September 2023 16:50
To: licensing@york.gov.uk
Subject: Representation / objection to license for Bison Cafe, 17 Heslington Road.

Categories:

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

Re. License application for Bison Cafe, 17 Heslington Road.

Hello.

I would like to raise an objection to the license application for the above as it is published.

I have no objection to the changes being made by the new owners at Bison regarding a greater food offering, and I appreciate their desire for a license within this to be able to offer alcoholic drinks.

But as a very closely neighbouring resident, while I have no particular objection to drinks being served during regular cafe hours, I strongly object to the lateness of the proposed license. I am concerned not just as the development strikes me as potentially out-of-character for the locality, but also as it differs very noticeably from the intended new tone for the business implied by Nick during a verbal conversation I had with him on his first day at Bison - daily until 11pm is not the suggested occasionally until 9pm.

Heslington Road remains a generally surprisingly quiet residential street - albeit significantly less so than on the side streets abutting, but then I don't expect or particularly want to live in "deep-countryside-quiet" within easy walking distance of the city centre. The other food outlets operating late into the evening seem little used apart from their order-out service - which can itself be a problem as it currently stands. The buses are infrequent, car traffic is reasonably low and foot traffic much lower again.

This is significant because our experience of several years owning and living at [REDACTED] Heslington Road is that this run of terraced properties, including Bison at 17, are awful for "drawing-in", and amplifying noise particularly that which originates inside any of the houses in the terrace.

This is partially due to their single skin construction, but is primarily a function of the two drivable alleyways that cut through at ground floor level to the back of the terrace, now Heslington Mews. These (between 15 and 17 and 19 and 21) act as amplification chambers for noise coming from inside the buildings. We have had repeated instances with separate student households where we can hear music and voices at a far greater and more disturbing level inside our house than outside their house when we go to ask them to complain. It is a bizarre reality of the buildings that we have had significantly more occasion to ask the households at [REDACTED] and [REDACTED] to keep the noise down than we have ever had to with [REDACTED] next door.

I am particularly concerned in this regard as I had to ask Nick to keep the level of the music down during his friends party on his first night in the cafe building. I totally understand the excitement of the first day, and I'm not looking to damn the guy on one incident. But for me it raises a very worrying concern that the terms of this license allow Bison, now or at some point in the future, to become an out-and-out bar, something I strongly believe would not only be out of character for the area but a significant impediment to my peaceful enjoyment of my home.

Many thanks for your work,

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Annex 6 Map



Date: 20 Sep 2023

Author: City of York Council

Scale: 1:1,250



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MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE LICENSING ACT 2003

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

- over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage, or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that –
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) Beer or cider: ½ pint;
 - (ii) Gin, rum, vodka, or whisky: 25ml or 35ml; and
 - (iii) Still wine in a glass: 125ml;
 - (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “Duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “Permitted price” is the price found by applying the formula: $P = D + (D \times V)$, where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “Relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence,
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “Relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “Value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (A) 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.
 - (B) 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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