

Report from the Director – Environment, Transport & Planning

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

**Summary**

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC - 073339
3. Name of applicant: Roxy Leisure Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a competitive socialising venue with various games, a bar and a kitchen.

<b>Proposed Activity</b>	<b>Timings</b>
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

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

### **Background**

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

### **Promotion of Licensing Objectives**

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

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

## **11. The Prevention of Crime and Disorder**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **12. Public Safety**

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

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

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

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

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

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

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

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

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

### **13. The Prevention of Public Nuisance**

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

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

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

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

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

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

#### **14. The Protection of Children from Harm**

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

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

#### **Special Policy Consideration**

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

#### **Consultation**

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

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

#### **Summary of Representations made by Responsible Authorities**

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

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

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

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

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

### **Options**

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

### **Analysis**

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



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

### **Council Plan**

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

### **Implications**

39.
  - **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – N/A
  - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
  - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's

responsibility to co-operate in the reduction of crime and disorder in the city.

- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

### **Risk Management**

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

### **Recommendations**

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

### **Contact Details**

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Director Environment, Transport & Planning

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**Report  
Approved**



**Date**  
**21.08.2023**

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
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**Wards Affected:**

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

## **Background Papers:**

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