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MEETING	LICENSING HEARING
DATE	11 JUNE 2012
PRESENT	COUNCILLORS HORTON, MCILVEEN AND REID

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**10. CHAIR**

RESOLVED: That Councillor Reid be elected as Chair of the meeting.

**11. INTRODUCTIONS**

**12. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**13. THE DETERMINATION OF AN APPLICATION BY ENTERPRISE INNS PLC FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF BLUE BOAR, 5 CASTLEGATE, YORK, YO1 9RN). (CYC-020403)**

Members considered an application by Enterprise Inns PLC for a premises licence in respect of the Blue Boar, Castlegate, York.

In coming to their decision, the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives. The following were taken into account:

1. The application form.
2. The Licensing Officers report and her comments made at the hearing. She advised that the application was for a new premises licence at 5 Castlegate and that the

premises had formally been the Little John public house. The premises are located outside of the special policy area. A number of conditions had been agreed by the applicant with North Yorkshire Police. Consultation had been carried out successfully.

3. Representations made by the applicant. He advised that the premises had been licensed for many years as a public house but had been revoked in 2011 following improper management. The application was to reinstate a licence to allow the premises to re-open.
4. The representations made at the hearing by local residents who raised concerns about the potential for public nuisance in Friargate if the premises was to re-open.. Concerns were also raised about the location of the smoking area at the premises which some residents believed obstructed fire escapes to neighbouring properties.
5. Written representations made during the consultation period.

In coming to their decision, Members were presented with the following options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

Members chose Option 2 and added the following conditions to the licence:

- i. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.

- ii. It will be maintained, working and recording at all times when the premises are open.
- iii. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- iv. Copies of the recordings will be kept available for any Responsible Authority for 28 days.
- v. Copies of the recordings shall be made available to any Responsible Authority immediately upon request.
- vi. Copies of the recordings will display the correct time and date of the recording.
- vii. The premises shall participate in the York Nightsafe radio scheme.
- viii. The radio (referred to in Condition vii) shall be turned on and carried by the Duty Manager (or when deployed the Door Supervisor situated at the front entrance) at all times when the venue is open for business after 2000hrs.
- ix. An adequate number of Door Supervisors (at least two) from a Door Company that has "Approved Contractor Status" (ACS as defined by the SIA) will be provided from 2100hrs until the close of business on the following evenings, Friday and Saturday evenings, the evening before any Bank Holiday, the evening when a race meeting is held at York Racecourse.
- x. Door Supervisors shall wear a high visibility jacket or bib when deployed inside or outside the premises.
- xi. Door Supervisors shall display their SIA licence in high visibility armbands when working.

- xii. One Door Supervisor shall be positioned at the main entrance in Castlegate when deployed.
- xiii. There will be no consumption of alcohol in the outside smoking area after 2100hrs (the smoking area being the area to the left of the premises at the rear of the courtyard as approached along the passage way from Castlegate).
- xiv. Glassware shall not be carried outside by customers from the building to any outside area after 2100hrs.
- xv. All windows and doors to the premises shall be closed during regulated entertainment save for permit customers access and egress.
- xvi. Prominent clear and legible signs shall be displayed to inform personnel/DJ that all music is to be played through the noise limiter provided. Staff should draw the notice to the attention of any DJ engaged at the premises.
- xvii. Documented staff training will be given regarding staff's obligation under the Licensing Act for the retail sale of alcohol; the conditions attached to the Premises Licence; and the Opening Times of the venue.
- xviii. Such training (Condition xvii) will be refreshed (and documented) every six months and the documented records shall be kept for at least three years.
- xix. Such records (Condition xvii) shall be kept for at least three years and they will be made available immediately upon request from any Responsible Authority.
- xx. Smoking must only take place in the smoking area as defined in Condition xiii.

- xxi. After 2100hrs there shall be no more than 10 customers allowed to congregate in the smoking area (as defined by Condition xiii) on any occasion.
  
- xxii. After 2000hrs on Friday and Saturday nights, documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These checks shall be undertaken outside the building to the front and rear for noise originating inside the premises, and noise from customers outside the venue. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available to an authorised Officer of City of York Council on request.
  
- xxiii. A direct contact number for the Duty Manager shall be made available to residents living in the vicinity of the premises on request. (The vicinity of the premises being Castlegate, Coppergate, Upper Friargate).
  
- xxiv. An Incident Report Register and Refusals Book will be kept and made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
  
- xxv. The Incident Report Register will contain consecutively numbered pages in a bound format and include full details of the SIA Door Staff when deployed as per Condition ix (above) as well as names and licence numbers of the Door Staff, details of all instances where staff have refused service to customers at the venue for any reason, details of all searches undertaken by the Door Staff whether the search results in any substance being found or is a negative search, details of any incident involving anti-social behaviour, injury and ejections at the venue and will cover the following points:-
  - a) time/date
  - b) location within the venue
  - c) names of staff members or Door Staff involved in the incident

- d) details of any Police Officer who attended the incident (the main Officer in the case will suffice should there be a number of Officers in attendance)
- e) full details of any witnesses to the incident
- f) full details/report of the incident in question.

- xxvi. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- xxvii. Customers shall not be allowed to congregate directly outside the venue save for queuing to enter the venue.
- xxviii. The premises will not open for business until all reasonable requirements of the Fire Officer, if any, have been complied with.
- xxix. The premises will not open for business until discussions have taken place with the Licensing Authority and Police Licensing Officer regarding the suitability of the Designated Premises Supervisor.

All relevant mandatory conditions shall apply.

RESOLVED: That the licence be granted in line with Option 2.

REASON: To address the representations made.

Councillor Reid, Chair

[The meeting started at 10.00 am and finished at 11.25 am].