

Licensing/Gambling Hearing

To: Councillors Hook, Melly and Nicholls

Date: Monday, 12 February 2024

Time: 10.00 am

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

A G E N D A

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

(Pages 11-24)

To approve and sign the minutes of the Licensing Hearing held on 23 November 2023.

6. The Determination of an Application by Mary Ann Atolagbe for a Premises Licence (Section 18(3) (a) in respect of Café Coco, 20 Hawthorn Terrace, New Earswick, York, YO32 4BL (CYC-077166) (Pages 25-71)

Democratic Services Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- Email - a.bielby@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.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	23 November 2023
Present	Councillors Kent, Rose and Smalley

13. Chair

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

14. 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: Helen Heraty, her solicitor, Jonathan Smith, his witness, Sarah Czarnecki and the representors: Andy Oates, Kevin Mohan and his solicitor, Christopher Grunert.

15. 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.

16. 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.

17. Minutes

Resolved: That the minutes from the Licensing Hearing held on 02 November 2023 be signed and approved as an accurate record.

18. The Determination of an Application by Helen Heraty for variation of a premises licence [Section 35(3)(a)] in respect of Grays Court Hotel, Chapter House Street, York, YO1 7JH. (CYC-18630)

Members considered an application by Helen Heraty for a premises licence in respect of Grays Court Hotel, 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 that the premises were not situated inside the Cumulative Impact Area (CIA). It was highlighted that the application was to extend the sale of alcohol to non-residents by one hour and to include late night refreshment. It was also noted that there were no representations from Responsible Authorities and that additional conditions had been agreed with North Yorkshire Police, as set out in Annex 3. She also drew attention to the five representations made by other parties at Annex 6. Finally, she advised the Sub-Committee of the options open to them in determining the application.

1. The Applicant's representations at the Hearing.

The panel had accepted a request from the Applicant for extra allocated time to present their case, the Applicant was given a total time of 17 minutes 15 seconds.

The solicitor for the Applicant, Jonathan Smith, outlined that the Applicant had never had a licence application appealed, although an application in 2011 was originally appealed to the Magistrates Court until this was subsequently withdrawn.

Mr Smith stated that on 12 August 2023 they had consulted with North Yorkshire Police, Public Health, and local residents regarding their application.

Mr Smith mentioned that the 'L shaped drive' included in previous applications was not included in this one, and that the application was only in relation to a change in hours.

Sarah Czarnecki (Director, Grays Court Hotel) stated that the hotel had changed since their last application in 2018. They had worked to change the perception and profile of the hotel – they used to host more weddings and big groups but more recently hosted fewer guests and smaller groups. Ms Czarnecki then stated that they had won awards since this change, including: Visit York Best Hotel; Best small hotel in York; best restaurant in York; best hotel in Yorkshire; best hotel in England. Mr Smith added that in 2019 (pre-COVID-19) there were 43 functions held, in 2022 there were 15, in 2023 there were 14, and only 6 were booked in as of the time of the hearing for 2024. Mr Smith indicated that if people wanted to book a wedding at Grays Court Hotel now, they needed to exclusively book the whole hotel, which deterred some from booking their wedding there.

Mr Smith noted that they had a good working relationship with York Minister and also leased an edible garden from York Minster.

Mr Smith noted that Grays Court Hotel now served a new menu, and that non-residents couldn't buy drinks after

10:30pm. He stated that although non-residents couldn't order a drink after 10:30pm, a resident could, even if they were sat at the same table, and that an extra hour on licence would help manage this.

Mr Smith confirmed the number of external diners Grays Court Hotel received in previous months as: 51 in August over a period of 15 days when the restaurant was open (from Sunday-Thursday); 37 in September over a period of 12 days when the restaurant was open (from Sunday-Thursday); 34 days in October over a period of 11 days when the restaurant was open (from Sunday-Thursday). 55 external guests were booked in for December 2023 over a period of 9 days when the restaurant was open (from Sunday-Thursday) which was the busiest time of the year. Mr Smith mentioned that these figures resulted in few taxis to the hotel.

Mr Smith noted that the hotel had previously applied for Temporary Event Notices (TENs) to show that they could work under the proposed extra hours without disruption.

Mr Smith referred to a noise complaint made regarding Grays Court Hotel to the Council and noted that the date the complaint referred to was not noise from guests but was noise from the Applicant's family members over Christmas when the hotel was closed. It was also noted that other complaints they had received were concerning the 'L shaped drive' which was not included in this application.

The Applicant then presented a video which was included in the additional information published on 20 November 2023. Mr Smith stated that the video was filmed by a local resident in support of a noise complaint. Regarding the video, Mr Smith stated that the stable block which could be seen was licenced but wasn't open. Mr Smith stated that the person who filmed the video lived behind the red outline and stable block which could be seen on the plans.

Mr Smith then stated that Grays Court Hotel couldn't host entertainment in the garden bar area after 9pm, and that this was unaffected by this application.

Mr Smith stated that Grays Court Hotel only received two taxis in the week preceding the hearing.

Regarding complaints that had been received, Mr Smith mentioned that one of the complaints was concerning deliveries, and that the extra hour included in the application would not affect deliveries; guests were able to take drinks onto the L shaped drive, but this was not encouraged by the hotel; the spotlight mentioned in one of the complaints was positioned over the Applicant's private property and was not related to the hotel.

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

- Grays Court Hotel had hosted 43 wedding pre-COVID-19, and since then had changed their style. They now had more midweek weddings than before as it was easier to hold these booking without disruption to other guests. Ms Czarnecki stated that in order for them to host a wedding, the whole venue now needed booking. It was noted that they hadn't held a disco for 2 years.
- The hotel had reduced the number of guests it hosted and had produced a new taster menu.
- Regarding the complaint referenced on page 49 of the additional information, there was no music recorded outside in April 2022. There was no record of outdoor or indoor music on 29 April, on 30 April there was a post wedding dinner with no entertainment.
- Two complaints were made directly to the hotel since last year: the complaint referenced on page 49 of the additional information was not logged by City of York Council but was received privately by Grays Court Hotel; One complaint was due to a brass band facing towards the house between 2pm and 4pm.
- The maximum capacity of the hotel was: 40 in total for a wedding; 22 in total for the restaurant, and a maximum of 22 could be served on the taster menu; 8 in the Minster room; 10 in the library.
- There was no policy stopping anyone from pre-booking all 40 rooms and staying there themselves.

- TENs wouldn't be needed as much if this application was approved.
 - Guests could not bring their own drinks unless they were left in their room. If a non-resident ordered a drink after 10:30pm they would have to be refused. It was noted that hot food could also not be served.
 - There was no policy stopping residents buying drinks for non-residents.
4. The representations made by Christopher Grunert, representing Kevin Mohan and Ms D. Gawthorpe, who were local residents.

Mr Grunert indicated that it was not uncommon for hotels to have different rules for residents and non-residents. Mr Grunert referenced complaints that had previously been made and mentioned concerns with what could happen at the hotel with the possibility of holding large functions.

Mr Grunert stated that there was a lack of response from the hotel from the public consultation that took place, and that the consultation did not change the application.

Mr Grunert mentioned that a main concern was with the issue of guest dispersal into a quiet and unique area.

Mr Grunert mentioned that the hours included in the application were also included in the application in 2018 which was rejected. Mr Grunert stated that the Applicant had not provided any clarity on what has changed to mitigate an improvement from this, as very little had changed. Mr Grunert stated that there needed to be evidence that issues raised previously were no longer a problem, and that events held had been a nuisance.

Mr Grunert highlighted that the application only affected the rules for non-residents of the hotel, while rules for residents remained the same. He also noted that Grays Court Hotel had not indicated any plans for dealing with complaints. Mr Grunert also noted that his clients' views were not invalidated because Environmental Health had not objected to the application.

Regarding the noise complaint referenced on page 49 of the additional information, Mr Grunert stated that it did not

matter if the noise was made by family members or hotel residents and that the noise still caused disruption.

Mr Grunert highlighted that this application was in regard to non-residents and did not affect residents of the hotel, this only affected people who would be leaving the hotel. He stated that an extension of the hours would lead to a later dispersal of guests.

Mr Grunert stated that the new taster menu implemented by Grays Court Hotel does not offer any reassurance to solve matters that had been raised. He noted that the hotel's new style does not stop them from reverting back to hosting big weddings.

Mr Grunert noted that his clients' opinions and views were not invalidated because North Yorkshire Police and Public Health had not made representations.

Mr Grunert urged the Sub-Committee to refuse the application. He stated that dispersals and arrivals late at night caused noise disruption to local residents, and that this had not changed. Mr Grunert stated that there had been previous noise related issues raised with Grays Court Hotel's use of TENs.

Commenting on the Applicant's statement that the noise being made was from family members, he stated that it didn't matter that the noise didn't come from hotel guests, but that there was still a disturbance.

Mr Mohan stated that he had reported noise disruptions to the council in the past, and that noise disruption was still happening. He mentioned that the hotel had received permission to increase the hotel by 7 rooms, which could hold 14 more people which would increase: traffic, noise, and the number of deliveries. He mentioned that the Hotel could easily revert back to holding discos if this application was approved and could cause more disruption.

Mr Mohan mentioned that the noise had been witnessed by the Development Management Team Leader (Planning) when Grays Court Hotel were taken to a public enquiry. He stated that the Hotel had been allowed to evolve ever since.

In response to questions from the Applicant, Mr Mohan confirmed that:

- He did not see how Grays Court Hotel would limit the number of people who could attend events at 40, when the capacity of the hotel in future could be around 60 people.
- He had not attended the pre-consultation meeting and sent his apologies. He received the invite to the consultation 4-5 days before the consultations and was not offered any future dates.
- He had raised complaints with the council but by the time a member from public protection team arrived following his complaint, the event would have ended.
- He had witnessed shouting in the courtyard was ongoing and occurred at weekends. He had lived there before the hotel where in the courtyard there was no noise, or disruption from cars parked there.
- He had asked for noise monitoring equipment from City of York Council, but it was already being used at the time he needed it.

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

- Disruption started on Mondays from 5am/6am when delivery vehicles entered Grays Court. Sometimes delivery vehicles had been parked in the street obstructed access for residents.
- On Thursdays-Saturdays noise disruption came from taxis and people dispersing the hotel.
- There were signs in the area stating it was a residential area.

5. The Representations made by Andy Oates, the Chapter Clerk of York Minster.

Mr Oates stated that there had been no complaints made since the last hearing from members of the clergy, or from tenants renting from the Chapter House. He believed that the current licence was within the appropriate regime of activities, and he noted that he was concerned about the

lack of rapport between Grays Court Hotel and the Chapter House.

Mr Oates highlighted concerns regarding the extension of hours within the application, stating that later nights on Sundays-Thursdays was disruptive as these are 'school' nights. He mentioned that he had not concerns with an extension to the hours on Friday and Saturdays.

In response to questions from the Applicant, Mr Oates confirmed that:

- Chapter House tenants close by to the hotel had not made any complaints to the Chapter House. No. 1 Chapter House Street was in the process of being rented out as a holiday-let, no. 3 Chapter House Street was currently being rented.
- The gate on Minster Yard was locked each day between dawn and dusk. There was no access to these properties from 7pm from the hotel, but noise disruption was still an issue with these properties.

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

Mr Grunert summed up and stated that this application concerned an extension of hours for non-residents of the hotel, and he stated that he did not believe there had been any change to the nature of the area and the noise related issues. He stated that phrases from the Applicant claiming they do not use the outdoor area at night could not be relied upon and then asked the Sub-Committee to not dismiss his client's views because there had been no representations from Responsible Authorities.

Mr Oates summed up and stated that York Minsters concerns were outlined in their representation.

The Applicant summed up and stated that it was uncommon to have a rule limiting the sale of alcohol to non-residents at 22:30, and that this was earlier than the 1964 act which we had moved on from.

Mr Smith noted that Grays Court Hotel could apply a limit on guests at an event to 40 people.

Mr Smith noted that the application was for an extension of hours between Sunday-Thursday, and that the majority of representations made concerns towards noise disruption at the weekend.

He stated that there was a notice on the backdoor asking residents and non-residents of the hotel to be thoughtful and mindful of residents in the area, and that these could be put up elsewhere.

Mr Smith and the Applicant stated that Grays Court Hotel was prepared to commit to a 40-person maximum capacity on events, which they noted was a drop from the possibility of 60-80 people.

Mr Smith noted that there had been a reduction in the number of complaints they received, and that there were many guests who leave after their meal and do not stay late. He also mentioned that many guests waited for taxis inside the hotel.

Mr Smith highlighted that there had been no representation from North Yorkshire Police or from Public Health, and that the hotel was not situated within the Cumulative Impact Area (CIA).

Mr Smith stated that their application was refused in the past as they had received more complaints, they held more events, hosted live music acts and use of the driveway – it was stated that there were concerns of the proximity of the driveway to representors' properties and that this was not an issue for this application. Mr Smith noted that they had been running functions for the past two years without documented complaints.

In response to final points of clarification raised by the Sub-Committee the Applicant confirmed that:

- A maximum capacity of 40 people (excluding staff) had been in place since the COVID-19 pandemic, and that fewer weddings are held at the hotel now. Ms Czarnecki confirmed that this capacity only related to events, and the maximum capacity for dinner reservations was smaller.

- Non-residents were not allowed into the hotel after midnight, and there was security on the doors from this time. The licence for residents of the hotel was 24/7.
- Mr Smith stated that the Applicant would not contest the condition of having a 40-person capacity added to this application for the extension of hours, or for the original hours.
- All events could be covered by TENs because events were not held often. Managing all future events via TENs would limit the number of events the hotel could hold.
- The hotel had won the following awards since their last application was rejected: Best Hotel York 2019-2023, Visit York Restaurant, Visit Yorkshire 2019-20, Visit England 2020.

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

In approving Option 1, the Sub-Committee granted the licence for the following activities and timings in the terms applied for,

with the following conditions added by the Sub-Committee as set out below:

Activity	Timings
Supply of alcohol –on the premises	10:00 to 23:30 every day 24 hours for hotel residents
Late night refreshment – indoors and outdoors	23:00 to 23:30 every day 24 hours for hotel residents

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

The following conditions shall also be added to the licence:

- The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
- The maximum capacity for any event or function taking place on the premises shall not exceed 40 persons excluding staff.

Save as varied above, the existing conditions on the licence shall apply in all respects.

The varied licence is subject to any relevant mandatory conditions.

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 for the Decision

The Sub-Committee note that this application is for the variation of an already established premises licence and they are bound to have regard to the appropriate legislation, Guidance and to the Council's own Statement of Licensing Policy.

In effect, this variation seeks only to extend the hours of the licensable activities and the days of operation, with the insertion of a condition concerning Challenge 25. It does not seek to remove any of the conditions already imposed on the premises licence and the licensed area continues to exclude the L-shaped driveway.

The Sub-Committee noted the scope of the variation applied for and that as the premises already had a licence to sell alcohol, it was only the impact of the proposed variations to the premises licence which could be considered.

The Committee gave very careful consideration to the submissions by the Applicant and to the concerns raised by the objectors.

The Sub Committee carefully considered the representations made by the residents relating to public nuisance, with particular regard to concerns about noise disturbance due to the close proximity of the premises to their homes in this quiet historic location of York.

The Sub-Committee also considered the representations made by the Applicant in response to the concerns raised. It was also noted that Public Protection did not object and that the police had agreed with the applicant an additional condition to be added to the proposed variation to the licence.

The Sub-Committee was sympathetic to the concerns expressed by the residents but, having very carefully considered all of the evidence before it, it ultimately came to the conclusion that at this point in time the balance of evidence did not justify refusing the variations sought. It was satisfied that the condition agreed by Police regarding Challenge 25 and the additional condition offered by offered by the Applicant at the hearing for a 40-person maximum capacity were appropriate and proportionate to deal with the relevant concerns raised by the

proposed variation. The Sub-Committee did not find any evidence to justify a refusal of the variation application and it was felt that further conditions would not be necessary in order to promote the licensing objectives on the basis of the evidence before the Sub-Committee.

The Sub-Committee advises local residents to report any incidents to Public Protection as well as keeping written records of any concerns.

It was noted that the Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant or variation 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.

Councillor Rose, Chair

[The meeting started at 10.42 am and finished at 1.12 pm].



Licensing Act 2003 Sub Committee

12 February 2024

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Café Coco, 20 Hawthorn Terrace, New Earswick, York, YO32 4BL

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 077166
3. Name of applicant: Mary Ann Atolagbe
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 café.

Proposed Activity	Timings
Supply of Alcohol – On the premises	11:00 – 21:00 Everyday
Opening hours	08:00 – 21:00 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 a café with seating for approximately 18 customers inside and an external terrace seating 8 people. It has a kitchen and customer toilet.

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 café/bistro will have a relaxed family atmosphere.

11. The Prevention of Crime and Disorder

- a. CCTV is installed inside and outside.
- b. Alcohol will only be served with food.
- c. Secure doors.
- d. High value items removed from display
- e. No cash left overnight.

12. Public Safety

- a. CCTV
- b. Fire risk assessment
- c. First aid equipment on site
- d. No trip hazards
- e. Food safety hygiene book adhered to
- f. No drunk people allowed inside

13. The Prevention of Public Nuisance

- a. Music kept to a low level
- b. Promote café vibe not bar
- c. Bins taken out during day
- d. Ensure customers leave quietly

14. The Protection of Children from Harm

- a. Ask customers for age identification
- b. Children allowed when accompanied by adults
- c. Promote family venue

Special Policy Consideration

15. This premises are 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 by agreeing several proposed conditions. 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 representations received from other persons. The list of representors is 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 representations are 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 local residents and businesses. The functions support the Council's Plan to make York a healthier, fairer, more accessible place, where everyone feels

valued, creating more regional opportunities to help today's residents and benefit future generations.

38. Implications

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities**

The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.

- **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**



02/02/2024

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

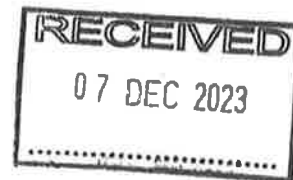
Wards Affected: Huntington and New Earswick



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



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/We MARY ANN ATOLAGBE
(insert name(s) of applicant)

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/we are 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	
CAFE COLO 20 HAWTHORN TERRACE NEW EARSWICK	
Post town	Post code
YORK	YO32 4BL

Telephone number of premises (if any)

—

Non-domestic rateable value of premises

£ N/A

Part 2 – Applicant Details

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

Please tick as appropriate

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
- i. as a limited company/limited liability partnership please complete section (B)
- ii. as a partnership (other than limited liability) please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity 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
 - o statutory function or
 - o 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

ATOLAGBE

MARY ANN

Please tick yes

Date of Birth

[Blank box]

I am 18 years old or over



Nationality

BRITISH

Current postal address if different from premises address

1 BECKSIDE
ELVINGTON

Post Town

YORK

Postcode

YO41 4BE

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	2024

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)

A CAFE WITH SEATING FOR APPROX 18 INSIDE AND 8 TERRACE SEATING OUTSIDE. IT HAS A KITCHEN AND TOILET TOWARD THE BACK.

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

N/A

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"/>
				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 performing play (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
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 road 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 exhibition of films (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
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			
Thur			
Fri			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)
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					
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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)		
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)	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 5)		
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)		
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)	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. (please read guidance note 6)		
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		
			Will the entertainment 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 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					

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	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur								
Fri								
Sat						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)		
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 checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) N/A					
Mon	11.00	21.00						
Tue	11.00	21.00						
Wed	11.00	21.00						
Thur	11.00	21.00				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) N/A		
Fri	11.00	21.00						
Sat	11.00	21.00						
Sun	11.00	21.00						

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 MARY ANN ATOLAGBE

Address

[Faint, illegible address text]

Postcode

Personal licence number (if known)

010698

Issuing licensing authority (if known)

CYC

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)

N/A

THIS WILL BE A FAMILY CAFE/BISTRO

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	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)
Mon	8.00	21.00	
Tue	8.00	21.00	
Wed	8.00	21.00	
Thur	8.00	21.00	
Fri	8.00	21.00	
Sat	8.00	21.00	
Sun	8.00	21.00	

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)

THE CAFE/BISTRO WILL HAVE A
RELAXED FAMILY ATMOSPHERE

b) The prevention of crime and disorder

CCTV IS INSTALLED INSIDE & OUTSIDE
ALCHOL WILL ONLY BE SERVED WITH FOOD
SECURE DOORS
HIGH VALUE ITEMS REMOVED FROM DISPLAY
NO CASH LEFT OVERNIGHT

c) Public safety

CCTV
FIRE RISK ASSESSMENT
FIRST AID EQUIPMENT ON SITE
NO TRIP HAZARDS
FOOD SAFETY HYGIENE BOOK ADHERED TO
NO DRUNK PEOPLE ALLOWED INSIDE

d) The prevention of public nuisance

MUSIC KEPT TO A LOW LEVEL
PROMOTE CAFE VIBE NOT BAR
BINS TAKEN OUT DURING DAY
ENSURE CUSTOMERS LEAVE QUIETLY

e) The protection of children from harm

ASK CUSTOMERS FOR AGE I.D -
CHILDREN ALLOWED WHEN ACCOMPANIED
BY ADULTS
PROMOTE FAMILY VENUE

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) MARY ATOLAGBE -----	
Post town YORK	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) p.	

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.

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)

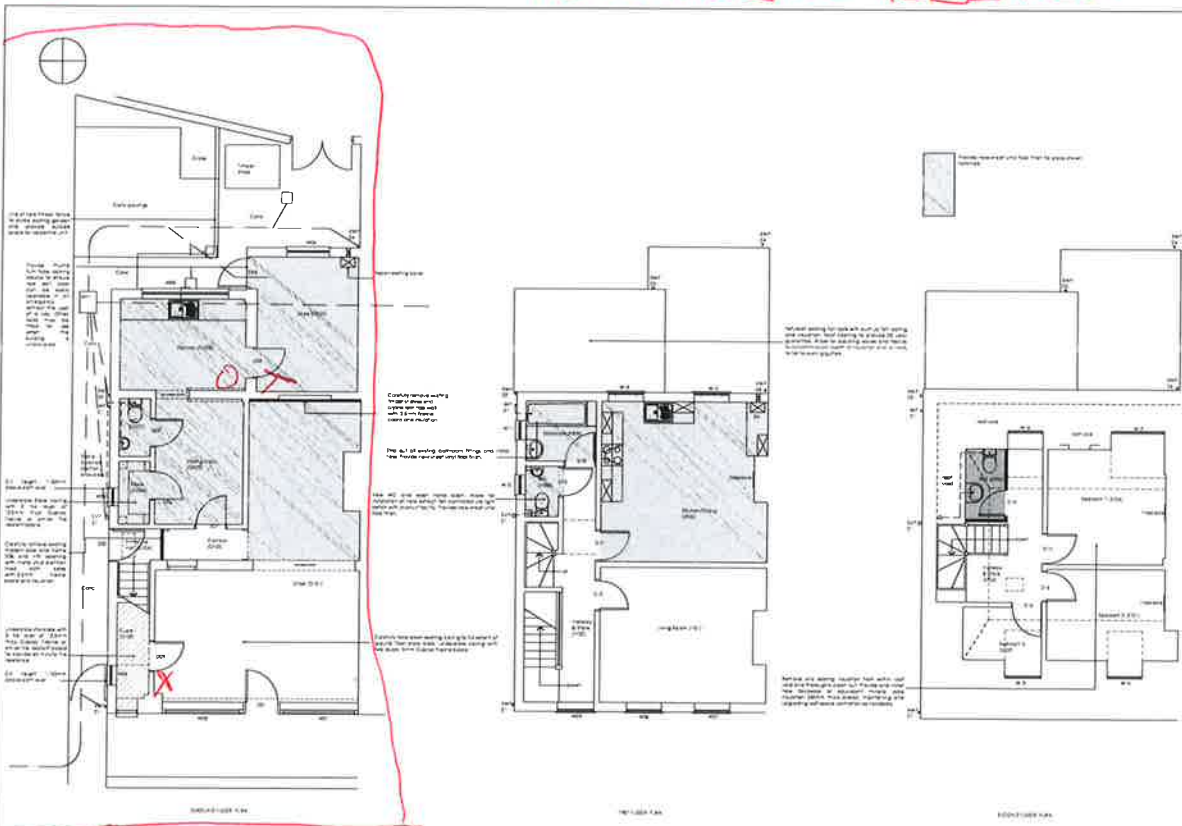
Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

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	6/12/23
Capacity	

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	

CAFE COCO 20 HAWTHORNE TERRACE



X = FIRE EXTINGUISHER
 O = FIRE BLANKET.

RECORD DRAWING

CONTRACTOR MUST APPROVE ALL DIMENSIONS AND FINISHES
 (CHECKED BY THE ARCHITECT OR ENGINEER)

W.R.DUNN & CO LTD.
 CHARTERED BUILDING SURVEYORS
 & ARCHITECTS

Client: Joseph Rowntree Housing Trust

Job Title: Former Post Office
 20 Hawthorne Terrace
 Alterations and Refurbishment

Drawing Title: Floor Plans
 As Proposed

Scale: 1:50 @ A1	Drawn: ID
Date: July 2015	Checked: HD

Drawing Number: G3963-JRHT-101-09

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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

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

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

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

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

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

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

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

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

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

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Annex 3

Conditions agreed with North Yorkshire Police

PROPOSED CONDITIONS

1. The premises shall operate predominantly as a café not as a vertical drinking establishment.
2. There shall be a minimum of 12 seats provided at all times for customer use inside the premises when the premises is trading.
3. 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.
 - It will be maintained, working and recording at all times when the premises are open.
 - The recordings should be of good evidential quality to be produced in Court or other such hearing.
 - Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
 - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
 - Copies of the recordings will display the correct time and date of the recording.

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

4. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-
 - operation of the CCTV system (specific staff only - including the downloading of evidence);
 - 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.

5. An incident 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 faults in the CCTV system
- 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];

6. 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.

7. No open drinks containers shall be taken out of the licensed premises or (licensed area) onto the pavement or highway, with the exception of the outside area as detailed on the premises plan.

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

9. All tables and chairs in the outside licensed area shall be stacked and stored away securely at the premises when closed.

PC 1520 Sam Bolland
Police Licensing Officer Selby & Outer York
Police Licensing Unit

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

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York ,04.01.2024

Hawthorn terrace
YO32 4BL, York

City of York Council Licensing Services
Hazel court Eco Depot, James street
York, YO10 3DS

To whom it may concern,

With reference to the proposal to extend the opening hours of the Coco Café ,New Earswick (20 Hawthorn terrace) from 8 till 4pm to 8 to 21.00 and in addition their intention to sell alcohol from 11.00 till 21.00 Monday to Sunday I would like to raise my concerns and express my opposition to this proposal.

When I took over the tenancy from JRHT I was reassured that the property would only be used during daytime hours and that it will be closed at 6pm and that it would only be used as a local shop and wouldn't be selling alcohol. If I had known that it would in the future be used for serving alcohol until 9pm I would have declined the offer.

I'm disabled, single mum and because of my disability I largely live and always sleep in the room. Quite frequently I'm bedbound with my attacks and these attacks can last up to few days. At the moment the noise from the Café can be loud but I know it won't continue after 4 pm. The strong possibility that customers would be drinking alcohol in and around the premises is very concerning. As access to my property is through the Café entrance and when the weather is fine tables are permanently placed outside. I would feel quite threatened. I only have one entrance and this would be easily accessible for anybody to break in.

The possibility that people would congregate outside of the building consuming alcohol would be quite threatening for myself and my child.

In the past the police were called innumerable times for antisocial behaviour outside the shops here. Thanks to the police interventions it stopped but if this present proposal goes through that situation might reoccur.

My concerns regarding this is affecting my mental health as I no longer feel safe and secure at my own home knowing that alcohol might be served until late.

I feel let down by JRHT because I was assured that this kind of business would not be granted permission.

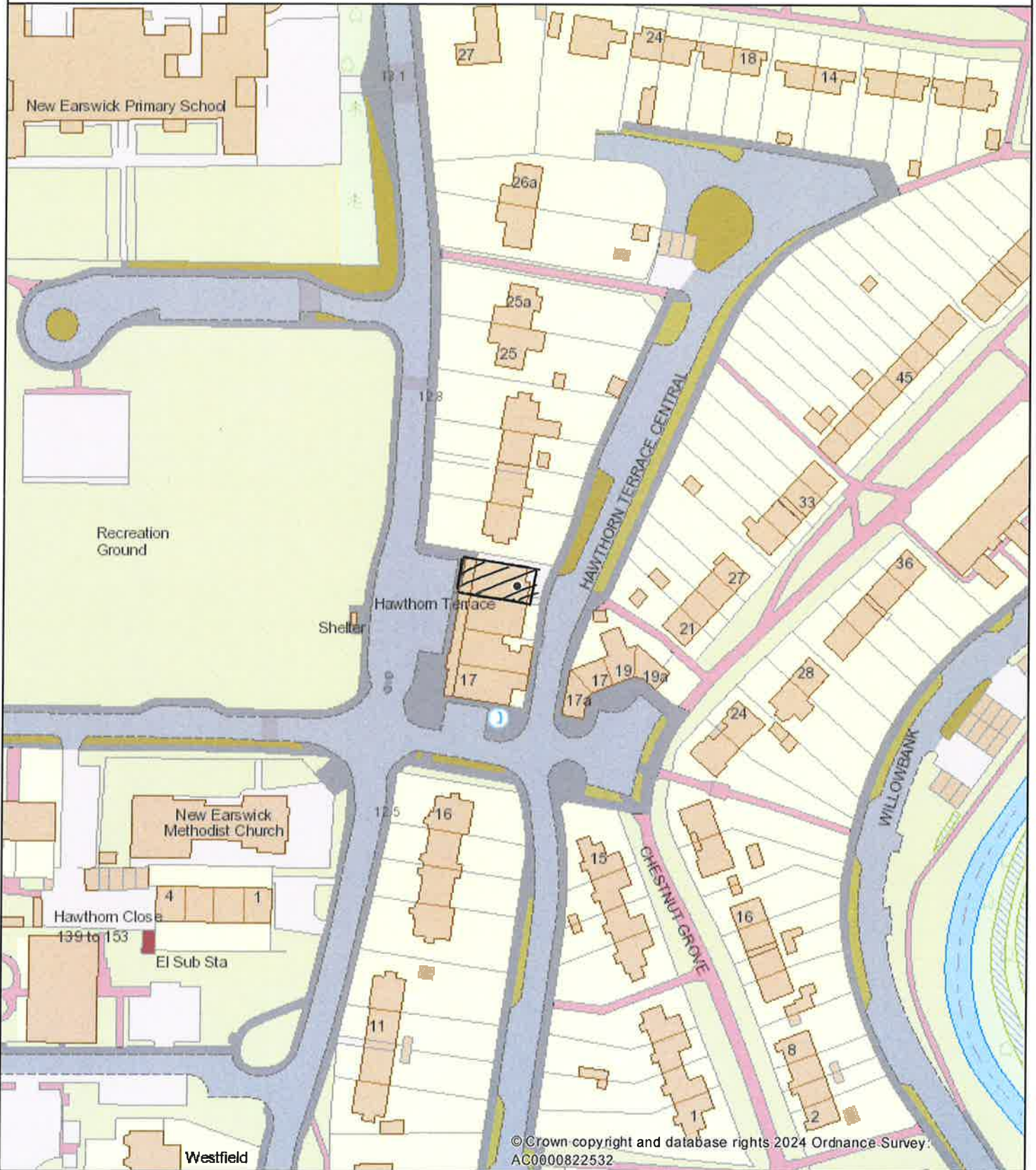
I have been informed by Ms Nadia Rehman from JRHT that the shops the flat would not be used after 6pm and that it will be a quiet business serving local people. So now I'm really surprised that the shop will be used to serve alcohol till late. If I had known this might happen I wouldn't have accepted this tenancy. I only found out about this proposal from a neighbour and wasn't informed personally by JRHT or Coco Café owners. I would like to discuss this situation with someone from City of York Council .

I would be very grateful if you would refuse proposal of extended hours and serving alcohol in the CoCo Café.

Regards

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Annex 6 - Map



Date: 10 Jan 2024

Author: City of York Council

Scale: 1:1,250



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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

7. The responsible person must ensure that –

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

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

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

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

MANDATORY CONDITION: ALCOHOL PRICING

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

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

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

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

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

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

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

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

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

MANDATORY CONDITION: DOOR SUPERVISION

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

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

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

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Licensing Hearing 12 February 2024

Café Coco

Additional documents submitted by Applicant

- Letter from Applicant
- Email to Applicant from Joseph Rowntree Housing Trust (JRHT)

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29 January 2024

To whom it may concern

In response to the letter opposing the alcohol licence for cafe coco, I would like to address the concerns raised.

I would like to convey that the main purpose for extending the hours of business is for serving food not for drinking alcohol. This would be only to enhance the customer experience by having a glass of wine or 2 with a meal. The emphasis of the business is a cafe and not a drinking establishment. The clientele that we have, tend to be elderly residents and families. This will not change by extended our hours a few nights a week. We will not be promoting or allowing access to groups of teenagers. A strict under 25 id will be in place and the poice conditions have been fully met.

We would like to keep the relaxed cafe vibe so music will be kept low and customers will be notified to respect the residents when leaving and keep noise levels to a minimum.

To reassure with regards to the mental health issue. There are only 8 small seats outside that do not block access to anyone. We have installed high spec CCTV that covers all areas inside and out of our premises. I understand that we are the only venue on the parade with this. By having the cafe opening later this will make the area brighter and discourage youths from hanging around outside, as they do when it's dark and all closed up.

I passed on my number twice to JRHT to pass on and to state that they are welcome to call into the cafe so that I could reassure that our intentions were not to cause distress. But unfortunately, this didn't happen.

I believe the shop next door has recently been granted a licence to sell off premises, I would imagine this would have more opportunity for anti-social behaviour in the evenings than a cafe.

Other residents in the area have expressed their excitement in having somewhere nice to go in the evenings. Hopefully this letter has managed to help reassure that our intention is to bring the community together and not cause a nuisance to our neighbours, we all be welcome for nearby residents to call in and discuss any future concerns.

Kind regards

Mary

:

Sent: 31 January 2024 13:01

To: Mary Atolagbe

Subject: RE: Licence Hearing

Hi Mary

I have reviewed the tenancy agreement and spoken to one of the housing team leaders.

There is nothing in the tenancy agreement stating that you can only open until 6pm. The housing officer who dealt with her sign up has not worked for JRHT for a number of years so we can not confirm exactly what was said at the time.

We were not however not aware of any such agreement.

I have written to the tenant providing your contact details and encouraged her to discuss any concerns with you directly. I have assured her that the premises will not be used as a bar and that people will not congregate outside her access to the building.

I have also said that if any issues arise on the pop up nights they will be addressed.

I hope this helps and that your licensing hearing is successful.

Regards

Joseph Rowntree Foundation | Joseph Rowntree Housing Trust

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