

## Notice of a public meeting of

### Licensing/Gambling Hearing

- To:** Councillors Hook, Melly, and Wells
- Date:** Monday, 15 April 2024
- Time:** 10.00 am
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

- 1. Chair**  
To elect a Member to act as Chair of the meeting.
- 2. Introductions**
- 3. Declarations of Interest** (Pages 9 - 10)  
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 - 18)

To approve and sign the minutes of the Licensing Hearing held on Monday, 12 February 2024.

**6. The Determination of an Application by Karl Smith for a Premises Licence [Section 18(3)] in respect of St Lawrence Church and Community Hall. (CYC-077499).**

(Pages 19 - 72)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

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**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**

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

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

Contact details are set out above.

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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) <b>OR</b> 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) <b>OR</b> 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

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Meeting	Licensing/Gambling Hearing
Date	12 February 2024
Present	Councillors Hook, Melly and Nicholls

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**19. Chair**

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

**20. Introductions**

Introductions were made.

**21. 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.

**22. 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.

**23. Minutes**

Resolved: That the minutes from the Licensing Hearing held on 23 November 2023 be signed and approved as an accurate record.

**24. 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)**

Members considered 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.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the 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 representation received from a local resident.
3. The Licensing Manager's report and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, noting the opening and operating hours of the café. She detailed the promotion of the licensing objectives as detailed in paragraphs 10-14 of the published report. She explained that the premises was not in the Cumulative Impact Area and that the Applicant had carried out the consultation process correctly. She noted that there were no representations from Responsible Authorities and that amendments and additional conditions had been agreed with the police, as set out in Annex 3. She drew attention to the representation made by one other person, at Annex 5. She then advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representations at the Hearing. Mary Atolagbe (the Applicant) explained that there was nothing much more to add other than the information in her letter to the Sub-Committee, published as additional information with the agenda. She explained that the café would be a

café bistro, and that customers had asked about buying a glass of wine with their food. Mary Atolagbe explained that her intention was not for the café to be a bar and that its clientele would be families and elderly people. She noted that the café would be open until 9pm and would not be open every night and that there would be no music playing. Mary Atolagbe explained that there was CCTV inside and outside the premises and that the café being open late would discourage youths from congregating outside. She added that the alcohol licence was under discussion with the previous café owners.

Mary Atolagbe was then asked a number of questions to which she responded that:

- Regarding concerns about noise and parking there had been a parade of shops for a number of years and concerns needed to be taken up with the Joseph Rowntree Housing Trust. She added that the café did not create a lot of noise, was on a main road and may discourage children from congregating. She explained that she was trying to run a business and felt that the representor should address their concerns with the Joseph Rowntree Housing Trust.
- The question of having children's parties at the café was not relevant to the application.
- She would make sure that people who were served alcohol were over 18.
- The customer parking outside was for the shops and the representor may need to take this up with the Joseph Rowntree Housing Trust.

At this point in the hearing, the Licensing Manager advised that if the license was granted, the applicant needed to meet the four licensing objectives and not undermine the licensing objectives. Bridget Slezak, on behalf of the representor Joanna Bukkems then asked if the licensing objective of public nuisance included residents to which the Licensing Manager confirmed that it did, and included all of the public.

Mary Atolagbe then responded to further questions, explaining that:

- The café would serve bottled beer, wine and spirit options.

- The café would not open on evenings seven days a week and would probably be open Friday and Saturday evenings.
  - The café already had CCTV.
  - There were four very small tables outside the café, used by people walking dogs, and she believed that most people would eat inside the café.
  - The layout of the café was explained and she noted that customers were always with staff in the open plan area of the café.
5. The representations made by Bridget Slezak, on behalf of Joanna Bukkems. She explained that the representor lived above the café and there were blurred lines about when the café was open as the letter from the Joseph Rowntree Housing Trust stated that the café would be open until 11pm seven days a week. She explained that the representor was unable to leave her flat because of a chronic disability.

Bridget Slezak read out the letter from the representor as detailed at Annex 5 of the published report. She explained that it would be difficult to live in her flat because of the noise. She noted that the café was in the middle of New Earswick on a busy road. She added that a disabled parking space was occupied by a person without a disability badge. She noted that the representor did not believe that the café would be used by elderly residents. She noted that the applicant had said that the representor should complain to the Joseph Rowntree Housing Trust about the noise from the shops. She explained that the representors flat opened near the café tables and the clients from the café sat close to the gates and restricted her access. The representor was also worried about the times as the letter from the Joseph Rowntree Housing Trust said that the café would be open until 11pm. The representor also noted that the applicant said that music was at a low level which it wasn't and the representor was concerned about the café being open seven days a week. The representor was also concerned about noise as there wasn't noise from the previous café owners and the representor had made complaints about the noise to the council.

On behalf of the representor Budget Slezak was asked and explained that the representor's concern about noise inside and outside was because there would be up to 18 people in a small area and if the café was full, noise could be excessive and the noise from people coming and going from the café up until 11pm.

Closing points were then made in which Mary Atolagbe explained that before she took over the café it was a rundown area and since it had opened she had received very positive feedback. She explained that your objective was to make it busy and welcoming. She added that the parking was for all of the shops and that people walked to the café. Mary Atolagbe noted that she was not you were not running the café any differently to any other business and added that music would be quiet. She suggested that regarding the representors health conditions, she may need to address her concerns with the Joseph Rowntree Housing Trust. She explained that concerning access to the representor's flat, people did not congregate near the access to the flat as it was at the side, not front of the café.

In response to further questions Mary Atolagbe confirmed that:

- The café would have quiet ambient music.
- There would never be more than 18 covers inside the meeting and 8 covers outside the meeting.
- Regarding parties, she had held a party for her daughter.
- If the license was granted you would be willing to accept a maximum number of covers.

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

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

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

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

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

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

In approving Option 2, the Sub-Committee granted the licence for the following activities and timings as applied for together with modified/additional conditions imposed by the Sub-Committee (Option 2) as set out below:

- 1) That there be a maximum of 18 covers inside the premises and a maximum of 8 covers to the front of the premises.
- 2) The conditions agreed between the Applicant and North Yorkshire Police set out in Annex 3 of the agenda shall be added to the licence, save for
  - Condition 8 which shall be deleted.
  - Condition 7 which shall be modified to delete the word 'open'.

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 carefully reviewed all the information presented from all parties in light of the licensing objectives and decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the sub-committee, for the following reasons:

1. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
2. The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies.

3. The Sub-Committee had regard to the location of the premises and noted its position at the end of a row of shops and business which are located underneath residential flat/apartments. The row of shops is set back from a busy road in a predominantly residential area.
4. The Sub-Committee has regard to the applicant's application and representations and noted that the premises is a café that is encouraging a family friendly, relaxed atmosphere, its customers being mainly the elderly, dog walkers and families. It was noted that alcohol will only be served with food and the premises is to operate predominately as a café and not a vertical drinking establishment.
5. The Sub-Committee considered the representor's representations regarding the noise emanating from the premises. The Sub-Committee noted the representations regarding the playing of music and noted that due to the deregulation of music it is not a matter that the Sub-Committee can consider on the grant of a new premises licence however if the premises license is reviewed then it will be open to the Sub-Committee to consider the playing of music. In relation to the concerns about noise disturbance generated from the use of the premises and the outside area the Sub-Committee were satisfied that the subject to the imposition of conditions, for a maximum cover of 18 inside the premises and a maximum cover of 8 to the front of the premises, the licensing objectives would not be undermined.
6. The Sub-Committee considered the fact that the Police did not object to the application carried great weight and reassured the Sub-Committee that the prevention of crime licensing objective would be unlikely to be undermined. The Sub-Committee noted that conditions had been agreed between the police and the applicant. The Sub-Committee made modifications to the conditions agreed at condition 7 and 8 as the conditions relate to off sales of alcohol and it was noted that the application does not relate to off sales of alcohol therefore the conditions were not considered appropriate.
7. It noted that there were no representations from any other Responsible Authority.

8. The Sub-Committee felt on the basis of the evidence before it that the imposition of suitable additional conditions on the premises licence would be adequate to promote the licensing objectives. Accordingly, it was felt that the decision of the Sub-Committee was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr Melly, Chair

[The meeting started at 10.00 am and finished at 11.10 am].



## Licensing Act 2003 Sub Committee

15 April 2024

Report from the Director – Environment, Transport & Planning

### Section 18(3) (a) Application for a premises licence for St Lawrence Church and Community Hall

#### 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 077499
3. Name of applicant: Karl Smith
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 the annual CAMRA Beer and Cider Festival held over one week usually in September.

<b>Proposed Activity</b>	<b>Timings</b>
Supply of alcohol – on the premises	13:00 to 23:00 Wednesdays 12:00 to 23:00 Thurs, Fri, Sat
Opening hours	13:00 to 23:00 Wednesdays 12:00 to 23:00 Thurs, Fri, Sat

## **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 church, church community hall and grounds.
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**

- a. The festival is well planned and responsibly run by an experienced management team. All volunteer staff are briefed before starting work about their responsibilities concerning alcohol sales with specific emphasis on not selling to anyone who might be under the age of 18 or to anyone who appears to be drunk or otherwise intoxicated.
- b. All staff on the bars work under the supervision of at least one bar manager who has received additional training.
- c. Our volunteer stewarding team are experienced with previous York Beer and Cider Festivals and other CAMRA beer festivals around the country.
- d. The team always includes at least one SIA qualified member.
- e. Stewards at the Entrance ensure age checks are conducted on anyone who appears to potentially be under 25. Age verified wristbands are issued to anyone who has had their age confirmed with suitable ID (passport, driving licence or appropriate proof of age card) to aid bar staff.
- f. Our site team are always on hand to monitor the site to ensure it remains safe for all customers and staff.

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

- a. Our well trained volunteer stewards cover all areas of the festival. They pay specific attention to the behaviour of customers and will step in to diffuse issues if they develop. If anyone appears drunk, they will ensure they do not obtain any more alcohol, either by removing them from the site or monitoring them until they leave, whichever is more appropriate in the circumstances. They also ensure drugs are not used on the premises.
- b. The stewards are also a visible presence to deter crime and as a point of contact for the public.
- c. Our bar staff are instructed not to sell alcohol to intoxicated people and to call for assistance of the stewards if there are any problems.
- d. The festival organiser, bar managers, stewards, site team and other members of the organising team are always in contact via the radio so can call for help if required and can alert each other to any problems as they occur.
- e. We do not tolerate anti-social behaviour at our festival or in the queue to get in.

## 12. **Public Safety**

- a. We plan the festival carefully to minimise risk to the public. We conduct risk assessments ahead of the festival and conduct regular health and safety checks to ensure the site remains safe to the public and staff at all times.
- b. We calculate the capacity of the site based on space, exits and toilets in advance and monitor attendance / departure using clickers at the Entrance. When the festival gets to within 50 of the planned capacity the chief steward is contacted to check the crowding levels before confirming whether additional people can be admitted. When capacity is reached, or the chief steward decides that overcrowding could occur a one-in-one out procedure is introduced.
- c. The fire risks are reduced by ensuring that rubbish is not allowed to accumulate, and that the (outdoor) skip is situated away from the buildings.

- d. When the event is open to the public there is a first aid point managed by qualified first aiders, who shall be on site at all times that members of the public are at the festival.

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

- a. We do not use amplified music. Background music may be provided inside the buildings, and we ensure that the volume is kept to a reasonable level to avoid a nuisance to local residents. As a beer and cider festival our bar staff need to be able to advise customers about the beers and ciders on offer so do not want music too loud.
- b. During the festival the stewards monitor the queue (when there is one) and ensure people waiting to get into the festival do not cause a nuisance. They will also prevent anyone leaving with an open container of alcohol.
- c. During the festival we do regular litter picks to ensure the site remains clean and tidy. We also provide rubbish bins and bin bags for customers to put rubbish in. After the festival is over we do a very thorough litter pick to make sure we do not leave any litter behind.

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

- a. We allow children who are accompanied by an adult into the festival until 8pm. The conditions of child entry are advertised on our festival website, including that under 18s are not allowed near the bars or tombola. During the day, the festival has an atmosphere suitable for families, with a beer garden with some marquees. There is seating and tables outdoor and, in the marquees, and Community hall (when not used for other activities). There is also some seating in the Church. In the evening the festival tends to get busier, and people move inside where it is warmer, changing the atmosphere so it is less appropriate for children.
- b. The age of any person who appears to be under 25 will be checked on entry. The forms of proof of age that are acceptable to us are a UK passport, a UK photocard driving licence or PASS/Prove-It proof of age showing the person's date of birth. If, after the checks have been carried out, the entrance staff member or steward is satisfied that the young-looking person is over 18 then they will be issued with a wristband.

This is to be fitted closely (so that they can't take it off and lend it to their underage friends) by the entrance staff member or steward. The purpose of the wristband is to show glasses staff, bar managers or the tombola manager that the person's age has already been checked, and that they should not be refused service on the grounds of age.

- c. If the person is under 18, or appears under 18 and cannot prove their age, and is not accompanied by an adult then they are not permitted entry.

### **Special Policy Consideration**

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

### **Consultation**

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

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

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

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

19. There have been 2 relevant representations received from other persons. The list of representors is attached at Annex 4.
21. The representations are predominantly based on the grounds of the prevention of public nuisance objectives. They state that this objective will be undermined if the application is granted.
22. A copy of all the representations are attached at Annex 5.
23. A map showing the general area around the venue is attached at Annex 6.
24. 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**

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

## **Analysis**

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

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

### **Council Plan**

37. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
38. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments 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. It supports the particular priority for a fair, thriving, green economy for all.

### **Implications**

39.

- **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**

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

### **Recommendations**

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

*Contact Details*

**Author:**  
Lesley Cooke  
Licensing Manager

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

Tel No. 01904 551515

**Report  
Approved**



**Date** 21 March 2024

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

**Wards Affected: Fishergate**



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

**Background Papers:**

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

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

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

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I, **Karl Smith**

**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

St. Lawrence Church, Community Hall & grounds, Lawrence Street	
Post town York	Post code YO10 3WP

Telephone number of premises (if any)

Non-domestic rateable value of premises

#### Part 2 – Applicant Details

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

Please tick as appropriate

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

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

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

Surname  First names

Please tick yes

Date of Birth  I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

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

**(B) OTHER APPLICANTS**

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

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year				
01	04	24				

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)

Church, Church community Hall and grounds.

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

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

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

Please tick  yes

**Provision of regulated entertainment**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

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

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

**In all cases complete boxes K, L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	<b>Indoors</b>	<input type="checkbox"/>
				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
<b>Mon</b>					
<b>Tue</b>			<b>State any seasonal variations for performing play</b> (please read guidance note 5)		
<b>Wed</b>			<b>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</b> (please read guidance note 6)		
<b>Thur</b>					
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of a films take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	<b>Indoors</b>	<input type="checkbox"/>
				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
<b>Mon</b>					
<b>Tue</b>			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
<b>Wed</b>			<b>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</b> (please read guidance note 6)		
<b>Thur</b>					
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					

## C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Thur			
			<b>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.</b> (please read guidance note 6)
Fri			
Sat			
Sun			

## D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			<b>State any seasonal variations for the boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
			<b>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.</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	<b>Indoors</b>	<input type="checkbox"/>
				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
<b>Mon</b>			<b>Please give further details here</b> (please read guidance note 4)		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
<b>Thur</b>					
<b>Fri</b>			<b>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.</b> (Please read guidance note 6)		
<b>Sat</b>					
<b>Sun</b>					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	<b>Indoors</b>	<input type="checkbox"/>
				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
<b>Mon</b>			<b>Please give further details here</b> (please read guidance note 4)		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
<b>Thur</b>					
<b>Fri</b>			<b>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.</b> (please read guidance note 6)		
<b>Sat</b>					
<b>Sun</b>					

## 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"/>
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 dance (please read guidance note 5)	
Thur					
Fri			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)		
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		
Day	Start	Finish	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"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Thur					
Fri			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)		
Sat					
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>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.</b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption on or off the premises or both</b> – 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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) <b>Note this an annual event for one week only usually in September</b>		
Mon					
Tue					
Wed	13:00	23:00	<b>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.</b> (please read guidance note 6)		
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun					

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

Karl Smith

Address

REMOVED

Postcode

REMOVED

Personal licence number (if known)

CYC - 62640

Issuing licensing authority (if known)

City of York Council

## K

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

NONE

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)
Tue			
Wed	13:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun			

**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 9)**

The festival is well planned and responsibly run by an experienced management team. All volunteer staff are briefed before starting work about their responsibilities concerning alcohol sales with specific emphasis on not selling to anyone who might be under the age of 18 or to anyone who appears to be drunk or otherwise intoxicated. All staff on the bars work under the supervision of at least one bar manager who has received additional training.

Our volunteer stewarding team are experienced with previous York Beer and Cider Festivals and other CAMRA beer festivals around the country. The team always includes at least one SIA qualified member. Stewards at the Entrance ensure age checks are conducted on anyone who appears to potentially be under 25. Age verified wristbands are issued to anyone who has had their age confirmed with suitable ID (passport, driving licence or appropriate proof of age card) to aid bar staff. Our site team are always on hand to monitor the site to ensure it remains safe for all customers and staff.

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

Our well trained volunteer stewards cover all areas of the festival. They pay specific attention to the behaviour of customers and will step in to diffuse issues if they develop. If anyone appears drunk they will ensure they do not obtain any more alcohol, either by removing them from the site or monitoring them until they leave, whichever is more appropriate in the circumstances. They also ensure drugs are not used on the premises.

The stewards are also a visible presence to deter crime and as a point of contact for the public.

Our bar staff are instructed not to sell alcohol to intoxicated people and to call for assistance of the stewards if there are any problems.

The festival organiser, bar managers, stewards, site team and other members of the organising team are always in contact via the radio so can call for help if required and can alert each other to any problems as they occur.

We do not tolerate anti social behaviour at our festival or in the queue to get in.

**c) Public safety**

We plan the festival carefully to minimise risk to the public. We conduct risk assessments ahead of the festival and conduct regular health and safety checks to ensure the site remains safe to the public and staff at all times.

We calculate the capacity of the site based on space, exits and toilets in advance and monitor attendance / departure using clickers at the Entrance. When the festival gets to within 50 of the planned capacity the chief steward is contacted to check the crowding levels before confirming whether additional people can be admitted. When capacity is reached or the chief steward decides that overcrowding could occur a one-in-one out procedure is introduced.

The fire risks are reduced by ensuring that rubbish is not allowed to accumulate, and that the (outdoor) skip is situated away from the buildings.

When the event is open to the public there is a first aid point managed by qualified first aiders, who shall be on site at all times that members of the public are at the festival.

**d) The prevention of public nuisance**

We do not use amplified music. Background music may be provided inside the buildings and we ensure that the volume is kept to a reasonable level to avoid a nuisance to local residents. As a beer and cider festival our bar staff need to be able to advise customers about the beers and ciders on offer so do not want music too loud.

During the festival the stewards monitor the queue (when there is one) and ensure people waiting to get into the festival do not cause a nuisance. They will also prevent anyone leaving with an open container of alcohol.

During the festival we do regular litter picks to ensure the site remains clean and tidy. We also provide rubbish bins and bin bags for customers to put rubbish in. After the festival is over we do a very thorough litter pick to make sure we do not leave any litter behind.

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

We allow children who are accompanied by an adult into the festival until 8pm. The conditions of child entry are advertised on our festival website, including that under 18s are not allowed near the bars or tombola. During the day, the festival has an atmosphere suitable for families, with a beer garden with some marquees. There is seating and tables outdoor and in the marquees and Community hall (when not used for other activities). There is also some seating in the Church. In the evening the festival tends to get busier and people move inside where it is warmer, changing the atmosphere so it is less appropriate for children.

The age of any person who appears to be under 25 will be checked on entry. The forms of proof of age that are acceptable to us are a UK passport, a UK photocard driving licence or PASS/Prove-It proof of age showing the person's date of birth. If, after the checks have been carried out, the entrance staff member or steward is satisfied that the young-looking person is over 18 then they will be issued with a wristband. This is to be fitted closely (so that they can't take it off and lend it to their underage friends) by the entrance staff member or steward. The purpose of the wristband is to show glasses staff, bar managers or the tombola manager that the person's age has already been checked, and that they should not be refused service on the grounds of age.

If the person is under 18, or appears under 18 and cannot prove their age, and is not accompanied by an adult then they are not permitted entry.

**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	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]</p> <ul style="list-style-type: none"> <li>• 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).</li> </ul>
-------------	---

	<ul style="list-style-type: none"> <li>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).</li> </ul>
Signature	REMOVED
Date	19.02.24
Capacity	York CAMRA Festival Organiser

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

Signature	
Date	
Capacity	

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 14)

<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>	

#### Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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

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

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

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

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

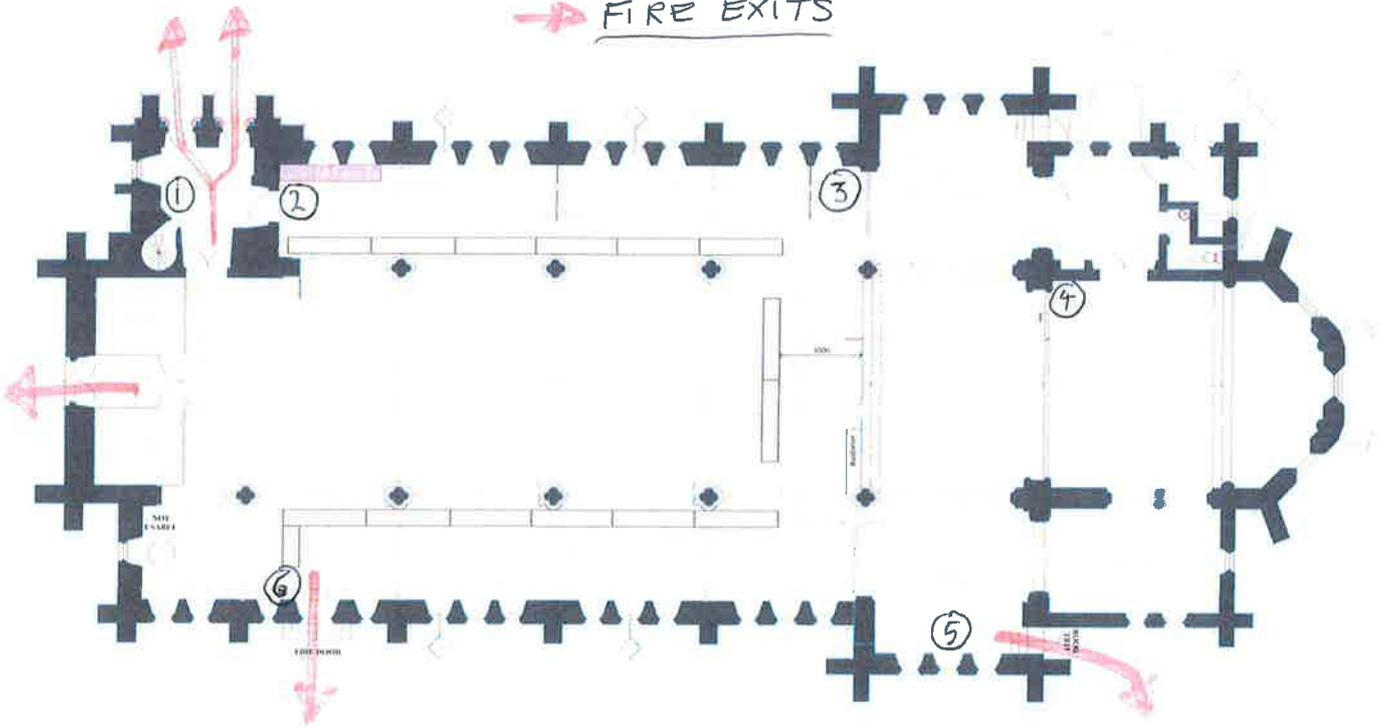
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.





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○ EXTINGUISHERS  
→ FIRE EXITS

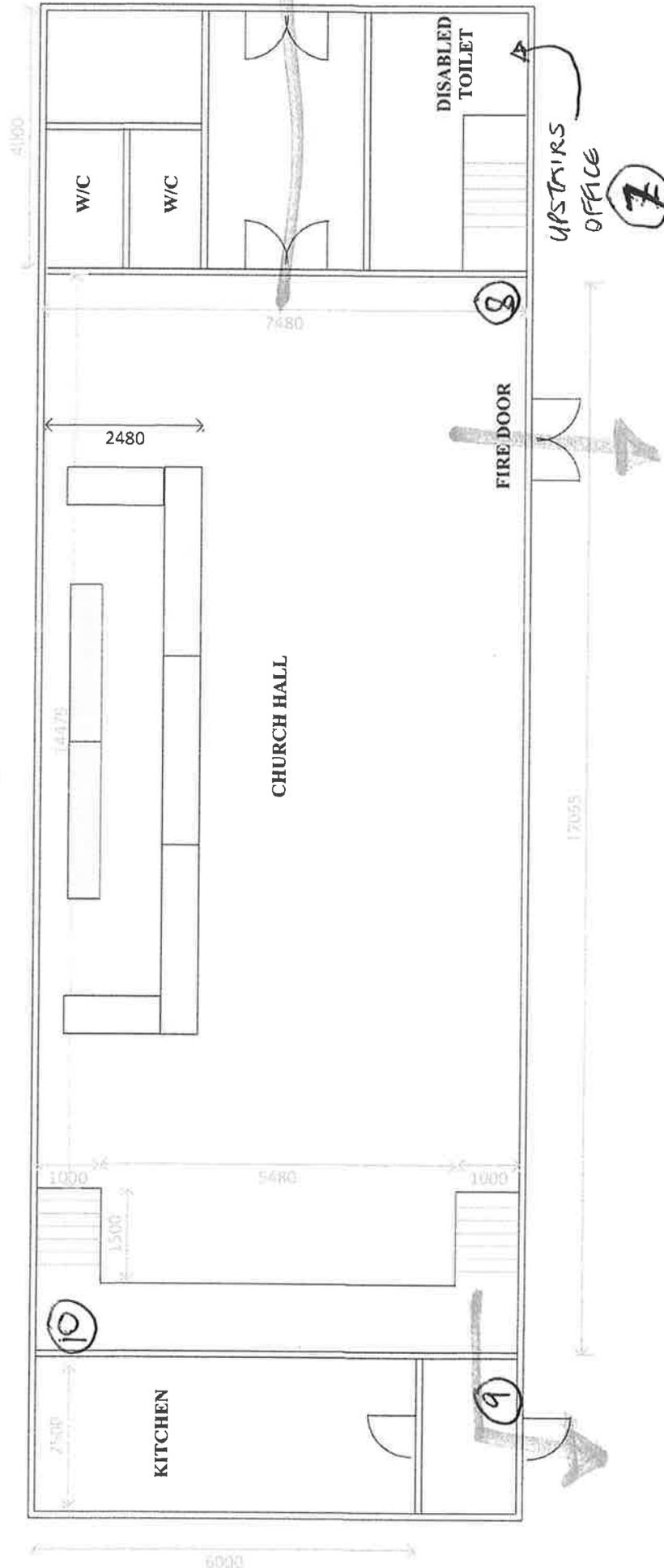




LAWRENCE STREET

EXTINGUISHERS

FIRE EXITS





## 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 authorisation<sup>18</sup>) 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 workplace<sup>26</sup> 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.

**Conditions agreed with North Yorkshire Police**

1. The premises licence will only permit 1 indoor event per calendar year which will be a beer / cider festival.
2. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
  - retail sale of alcohol
  - age verification policy
  - conditions attached to the Premises Licence
  - permitted licensable activities
  - the licensing objectives, and
  - opening times for the venue.

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]

3. An incident log and refusals register 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 / incidents regarding crime and disorder or anti-social behavior
  - staff refusals of alcohol for any reason
  - any visit by a relevant authority or emergency services.

With such records being kept for a minimum of one year. [For the avoidance of doubt, the one-year period relates to each respective entry in the log book and runs from the date of that particular entry]

4. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
5. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

6. A personal licence holder will be present at all times licensable activities are taking place.
7. The name and contact details of the event safety coordinator will be supplied to the licensing authority or other responsible authority as part of the event management plan or at least 14 days prior to the start of each event.

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

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Ellen Wilson Cottage

Lawrence Street

York

YO10 3WP



18-03-2023

LICENCE:- TO SELL ALCOHOLIC LIQUORS FOR CONSUMPTION AT  
THE BEER FEAST AT ST LAWRENCE'S CHURCH.

To whom it may concern:-

I would like to lodge a formal complaint about the granting of a licence to serve Beer and alcoholic liquors at St. Lawrence's Church Beer Feast. The last time it was here it impacted greatly on my quality of life, because of a tannoy system amplifying the sound of someone's voice and the loud music playing late into the night. Also the noise from caravans camping in our car park, (My house looks over the car park and graveyard) where the very large marquee is erected over the graves. Children and dogs running around the garden of remembrance. No Emergency vehicles would be able to get in

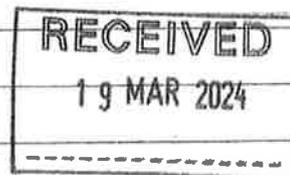
<sup>2</sup> if anything happened in any of the six arms houses, that house old and vulnerable people. Visitors to the cottages could not get in to park and visit the residents because the carpark was full of campers and half the gate was manned by people taking tickets off the people who came in the church drive. The road is dangerous and not maintained properly, so more heavy lorry's filled with beer kegs will only make it worse. The older parishioners can't walk on it now to get to the church service. So more heavy traffic on it will only make it worse.

Best Regards

Resident of cottage

(2)

Ellen Wilson Cottages,  
Lawrence Street,  
York  
YO10 3WP  
18.3.2024



Dear Sir, madam.

I am writing to object to the Camra Beer Festival, that is due to take place at Lawrence church, Lawrence Street later this year. I live in one of the cottages that are situated at the rear of the church. When these events take place they seriously affect my quality of life. For example, the car park to the rear of the cottages is full to capacity, meaning we have no privacy. The

noise is unbearable,  
especially at night when I am  
trying to sleep. One of my  
main concerns is, what if  
I need an ambulance or the  
fire service, they do not  
have access to my cottage.  
This festival should not be  
held on the church grounds  
as it is not appropriate, and  
while it is taking place I have  
no quality of life.

I hope you  
take my concerns seriously.

yours Sincerely



# Map of area



**Date:** 19 Mar 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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