
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.

Proposed Activity	Timings
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.

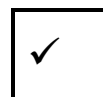
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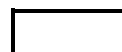
**Report
Approved**



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