

## Licensing/Gambling Hearing

**To:** Councillors Crisp, Richardson and Looker  
**Date:** Thursday, 2 November 2017  
**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

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 4. Minutes

To approve and sign the minutes of Licensing Hearings held on 21 August 2017 and 4 September 2017.

#### 5. The Determination of an Application by RJJ Morwood-Leyland for a Temporary Event Notice Section 105 (2)(a) in respect of The Crescent Community Venue, 8 The Crescent, York, YO24 1AW. (CYC-CYC-001538)

Democracy Officer:

Name: Becky Holloway

Telephone: (01904) 553978

Email: [becky.holloway@york.gov.uk](mailto:becky.holloway@york.gov.uk)

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Ta informacja może być dostarczona w twoim własnym języku. (Polish)

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**Distribution:**

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## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS**

### **Introduction**

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, 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.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

**In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned.** In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

### **Representations at Licensing Hearings**

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At

any hearing of an application, 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.

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. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. 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.

**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 extend or 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 repeated or 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.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

### **Procedure prior to the Hearing**

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

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 the democracy officer calls them through to the committee room.

### **Procedure at the Hearing**

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
17. The Chair will provide the Sub-Committee 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 *(if present)* on law and jurisdiction.
18. 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 wait in reception while the Sub-Committee considers the evidence.

### **Procedure after the Hearing**

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
  - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
  - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
  - section 105(2)(a) (counter notice following police objection to temporary event notice)
  - section 167(5)(a) (review of premises licence following closure order)

- paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. 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.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.



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- Applicant
- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

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Meeting                      Licensing Hearing

Date                              21 August 2017

Present                        Councillors Douglas, Mason and Pavlovic

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**11. Chair**

Resolved: That Councillor Mason be appointed to Chair the meeting.

**12. Introductions****13. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared

**14. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 26 June and the Taxi Licensing Hearing held on 17 July be approved as a correct record and signed by the Chair.

**15. Determination of an Application by Mr Shaun Binns & Mrs Jamie-Leigh Binns for a Premises Licence Section 18(3)(a) in respect of 7 Kings Staith, York, YO1 9SN (CYC-058743)**

Members considered an application by Shaun Binns and Mrs Jamie-Leigh Binns for a Premises Licence Section 18(3)(a) in respect of 7 Kings Staith, York, YO1 9SN.

In considering this application, and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. Prevention of public nuisance.
2. Prevention of crime and disorder.

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 Licensing Officer's report and her comments made at the Hearing. She outlined the application and advised that the premises were inside the special policy area (as approved by Full Council on 27 March 2014) and that consultation had been carried out in accordance with the Licensing Act 2003.
3. The applicants representations at the Hearing. They advised that they only intend to serve alcohol from 8 am to residents with breakfast, for example a champagne or bucks fizz breakfast . Furthermore, the applicants stated that they intended to operate the premises as a bistro, that all the tables would be waiter/waitress served and that they had agreed to all the police requirements regarding door staff. With 30 indoor covers, the premises would not be able to accommodate groups of people vertical drinking.
4. The representations made in writing and at the hearing by a local resident. He felt that the applicant had addressed his concerns regarding the serving of alcohol from 8.00 am as this would be indoors only before 10am. However, he was opposed to vertical drinking and felt that the premises should be required to remain as a restaurant.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of 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) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

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

Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.

Option 3: Grant the variation of 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: Reject the application. This option was **rejected**.

In agreeing **Option 2**, any applicable mandatory conditions of the Licensing Act 2003 as amended were imposed on the licence together with the 21 conditions proposed by the applicant's operating schedule (as set out in paragraphs 9, 10 and 11 of the Licensing Officer's report) subject to the following modifications:

- Change 9 b) to: There shall be a minimum of 30 table covers available indoors at all times the premises are trading.
- Change 9c) to: 'Customers shall be served by way of waiter/waitress service only'.

The following additional condition was also imposed on the licence:

Between the hours of 08:00 and 10:00 each and every day alcohol shall only be served ancillary to the provision of food.

The Sub-Committee noted the local resident's concerns as to the potential effect of the premises on the special policy area. Having applied the policy, the Sub-Committee noted that the applicant was required to establish that the application would not add to or increase issues already experienced in the area. The Sub-Committee considered this point very carefully and determined that given the absence of representations from responsible authorities that this was not likely. The Sub-Committee noted the operating schedule and considered that it had received sufficient assurances from the applicant in order to have a high level of confidence that the premises would be operated responsibly and that the application with the mandatory and above modified and additional conditions would not add to or increase issues already experienced in the area or

undermine the promotion of the licensing objectives. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was reasonable and proportionate. They reminded the applicant of the necessity of complying with all of the conditions.

The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Councillor Mason, Chair

[The meeting started at 10:00 and finished at 11:00].

Meeting	Licensing Hearing
Date	4 September 2017
Present	Councillors Gillies, Orrell and Taylor

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**16. Chair**

Resolved: That Councillor Gillies be appointed to Chair the meeting.

**17. Introductions****18. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Councillor Gillies declared a personal, non-pecuniary interest as one of the representors had been Leader of the Labour Group when he was Leader of the Conservative Group.

**19. The Determination of an Application by Make it York for a Premises Licence Section 18 (3) (a) in respect of Shambles Market, York, YO1 8RY (CYC-058836)**

Members considered an application by Make it York for a Premises Licence Section 18(3)(a) in respect of Shambles Market, York, YO1 8RY.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were particularly relevant to this hearing:

- The prevention of public nuisance
- The prevention of crime and disorder

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, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and her comments made at the Hearing. She outlined the application and advised that the premises were inside the special policy area (as approved by Full Council on 27 March 2014) and that consultation had been carried out in accordance with the Licensing Act 2003.
3. The applicant's representations at the Hearing and those of Chris Price – Head of City Centre for Make it York. They advised that they were aware this application fell within the special policy area and the implications of this. With this in mind they had consulted with North Yorkshire Police and the Licensing Officer to agree additional conditions listed on the application form.
4. The three written representations received from residents.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of 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) 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 and including any applicable mandatory conditions of the Licensing Act 2003. This option was **rejected**.

**Option 2:** Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was **approved** with the following modified conditions:

- All alcohol sales to be ancillary to meals
- No off sales to be permitted



- Hours of operation will be 12:00-21:00 for all licensable activities
- Toilets to be opened until 21:00 for the duration of all events
- The licensable area will be as shown on the amended map (attached).

**Option 3:** Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **rejected**.

**Option 4:** Reject the application. This option was **rejected** as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

The Sub-Committee noted the residents' concerns as to the potential effect of the premises on the special policy area. Having applied the policy, the Sub-Committee noted that the applicant was required to establish that the application would not add to or increase issues already experienced in the area. The Sub-Committee considered this point very carefully and in coming to their decision to approve Option 2, the Sub-Committee was mindful of the fact that no representations had been received from responsible authorities. They had concerns over the 'cobbled area' outside of the food court attracting groups of people who would be vertical drinking and so amended the licensable area and conditioned that alcohol only be served ancillary to meals to prevent vertical drinking and to ensure that the premises would be food-led. They felt that off sales were not suitable in this part of the City Centre as they may contribute to anti social behavior issues. Hours of operation were reduced to 12:00-21:00 for all licensable activities, given that this was a residential area and to minimise public nuisance. It was conditioned that the public toilets on Silver Street be opened for the duration of all events running to 21:00, with an informative that toilets could be opened at all other times alcohol was being served to reduce instances of anti-social behavior as detailed in the written representations.

The Sub-Committee considered that the application with above modified and additional conditions would not add to or increase issues already experienced in the area or undermine the promotion of the licensing objectives. Accordingly, in all of the

circumstances of the case it was felt that the decision of the Sub-Committee was reasonable and proportionate. All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that the application was acceptable with the above mandatory conditions attached which addressed representations made in writing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Councillor Gillies, Chair

[The meeting started at 10.00 am and finished at 11.00 am].



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**Licensing Act 2003 Sub Committee****2 November 2017**

Report from the Assistant Director – Planning &amp; Public Protection

**Section 100 Licensing Act 2003, The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016 and the Police Reform and Social Responsibility Act 2011:****Submission of a Temporary Event Notice (TEN) for The Crescent Community Venue, 8 The Crescent, York, YO24 1AW****Summary**

1. This report seeks Members determination of a Temporary Event Notice (TEN) submitted under the Licensing Act 2003 to authorise the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment for a two day event scheduled to take place Saturday, 4<sup>th</sup> and Sunday 5<sup>th</sup> November 2017.
2. Reference number: CYC-001538
3. Name of premises user: Robert James Joseph Morwood-Leyland
4. Type of authorisation applied for: Temporary Event Notice
5. Summary of application: The nature of the TEN is to allow for the sale by retail of alcohol, the provision of regulated entertainment, and the provision of late night refreshment for a DJ event. The event is scheduled to take place in the function room of the premises for two days on Saturday, 4 November 2017 between 00:01 hours and 04:00 hours and Sunday 5 November 2017 between 00:01 hours and 04:00 hours for an occupancy of 350 people. These timings are outside the existing premises licence permitted licensable hours.

## **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
7. The police and environmental protection officers (EPU) can object to a TEN on the grounds that it would undermine any of the four licensing objectives;
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
8. As a result of an objection conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence is attached at Annex 2.

## **Promotion of Licensing Objectives**

11. There is no requirement for a premises user to indicate how the licensing objectives will be met and there is no provision on the TEN application form to allow for this information to be entered.

## **Special Policy Consideration**

12. This premise is located within the special policy area.

## **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.

14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

### **Summary of Objections**

15. An objection to the TEN has been received from City of York Council's Environmental Protection Unit (EPU) on the grounds the prevention of the public nuisance licensing objective will be undermined if the event is to take place. A copy of the objection is attached at Annex 3.
16. On Saturday 14 October 2017 a DJ event took place at the premises. This event was covered by a TEN between 00:00 hours and 03:00 hours for 350 people.
17. On submission of the TEN for this event, the applicant was served with a notice of conditions (relating to noise and copied from the existing premises licence) after agreement with EPU, to be complied with during the event.
18. A noise complaint was received by Council Officers who attended the premises at 23:00 hours. The noise was confirmed to amount to a statutory nuisance from loud bass and vibrations. The complainant alleged the noise continued until 03:00 hours and is a regular occurrence.
19. A copy of the TEN and the notice of conditions relating to this event is attached at Annex 4.

### **Options**

20. By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
21. Option 1: Modify the terms of the TEN.
22. Option 2: Issue a counter notice refusing authorisation of the TEN.
23. Option 3: Choose not to issue a counter notice

### **Analysis**

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

25. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
26. Option 2: This decision could be appealed at Magistrates Court by the premises user.
27. Option 3: This decision could be appealed at Magistrates Court by the objector.

### **Council Plan**

28. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
29. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

### **Implications**

30.
  - **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – N/A
  - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the objectors.
  - **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**

31. 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.
32. 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**

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

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Michael Slater  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

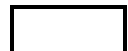


**Date** 26/10/2017

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Micklegate**



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

**Background Papers:**

**Annex 1** - Copy of TEN

**Annex 2** - Copy of Premises Licence

**Annex 3** - Copy of EPU objection

**Annex 4** - Copy of TEN for 14 & 15 October 2017 and attached conditions

**Annex 5** - Legislation and Policy Considerations





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

**Temporary Event Notice**

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>	
<b>1. Your name</b>	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	MORWOOD-LEYLAND
Forenames	ROBERT SAMUEL JOSEPH
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
<b>3. Your date of birth</b>	Day
<b>4. Your place of birth</b>	
<b>5. National Insurance Number</b>	
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
Post town	Post code
<b>7. Other contact details</b>	
Telephone numbers Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

8. Alternative address for correspondence (if you complete the details below, we will use this address to correspond with you)	
Post town:	Post code:
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
THE CRESCENT COMMUNITY VENUE 2 THE CRESCENT TOWN YO24 1AW	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	CYC 053022
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
COMMUNITY VENUE	
Please describe the nature of the event below. (Please read note 5)	
AS EVENT	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
SATURDAY 4TH NOVEMBER 2017 → SUNDAY 5TH NOVEMBER 2017		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
4/11/17 00:01 → 04:00, 12:00 → 00:00 5/11/17 00:01 → 04:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	350	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)		
MUSIC ON BOTH NIGHTS IN FUNCTION ROOM ONLY FROM 00:01 → 03:00		

4. Personal licence holders (Please read note 13)		Yes	No
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)		<input type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	CITY OF YORK COUNCIL		
Licence number	CYC - 052190		
Date of issue	23/10/2014		
Date of expiry	23/10/2024		
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year.	12	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.			
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:		Yes	No
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Checklist (Please read note 16)	
I have (Please tick the appropriate boxes.)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below.	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)	
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.	

<b>9. Declarations (Please read note 18)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	20/10/17
Name of Person signing	ROS LELAND

This authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 19)</b>	
I acknowledge receipt of this temporary event notice.	
Signature:	On behalf of the licensing authority
Date	
Name of Officer signing	



## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number  
CYC - 053022

Postal address of premises:

**8 The Crescent  
Micklegate**

Post town: **York**

Post code: **YO24 1AW**

Telephone number: 01904 622510

**Expiry date:** This licence has no expiry date.

#### Licensable activities authorised by the licence:

Plays  
Films  
Indoor sporting events  
Live Music  
Recorded Music  
Performances of Dance  
Late Night Refreshment  
Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

## PLAYS

## Indoors

Monday 19:00 - 23:30	Tuesday 19:00 - 23:30	Wednesday 19:00 - 23:30	Thursday 19:00 - 23:30
Friday 19:00 - 23:30	Saturday 19:00 - 23:30	Sunday 19:00 - 23:30	

## FILMS

## Indoors

Monday 15:00 - 23:30	Tuesday 15:00 - 23:30	Wednesday 15:00 - 23:30	Thursday 15:00 - 23:30
Friday 15:00 - 23:30	Saturday 15:00 - 23:30	Sunday 15:00 - 23:30	

## INDOOR SPORTING EVENTS

Monday 10:00 - 23:30	Tuesday 10:00 - 23:30	Wednesday 10:00 - 23:30	Thursday 10:00 - 23:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 23:30	

## LIVE MUSIC

## Indoors

Monday 15:00 - 23:30	Tuesday 15:00 - 23:30	Wednesday 15:00 - 23:30	Thursday 15:00 - 23:30
Friday 15:00 - 00:00	Saturday 15:00 - 00:00	Sunday 15:00 - 23:00	

## RECORDED MUSIC

## Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 23:30	

## PERFORMANCES OF DANCE

## Indoors

Monday 18:00 - 23:30	Tuesday 18:00 - 23:30	Wednesday 18:00 - 23:30	Thursday 18:00 - 23:30
Friday 18:00 - 00:00	Saturday 18:00 - 00:00	Sunday 18:00 - 23:30	



**LATE NIGHT REFRESHMENT**

Indoors

Monday 23:00 - 00:00	Tuesday 23:00 - 00:00	Wednesday 23:00 - 00:00	Thursday 23:00 - 00:00
Friday 23:00 - 00:00	Saturday 23:00 - 00:00	Sunday 23:00 - 23:30	

**SUPPLY OF ALCOHOL**

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 23:30	

Non Standard Timings

Films:

Halloween, Christmas Eve, New Year's Eve until 00:30

Live Music:

Bank Holiday Weekends, Halloween, Christmas Eve, New Year's Eve until 01:00

Recorded Music, Performances of Dance, Late Night Refreshment &amp; Supply of Alcohol:

Bank Holiday Weekends, Halloween, Christmas Eve, New Year's Eve until 01:30

**The Opening Hours of the Premises**

Monday 07:00 - 00:30	Tuesday 07:00 - 00:30	Wednesday 07:00 - 00:30	Thursday 07:00 - 00:30
Friday 07:00 - 01:00	Saturday 07:00 - 01:00	Sunday 07:00 - 00:00	

Non Standard Timings:

Bank Holiday weekends, Halloween, Christmas Eve, New Year's Eve until 02:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

On the premises only

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:**

Name: Three Little Birds LLP

Address: Flat 3  
8 The Crescent  
York  
YO24 1AW

Telephone number: None

Email address: bob.morwood.leyland@gmail.com

**Registered number of holder, for example company number, charity number (where applicable):**

OC395158

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Mr Robert James Joseph Morwood-Leyland

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

City of York Council  
CYC052190

**Annex 1 – Mandatory conditions**

## MANDATORY CONDITIONS IN RELATION TO THE 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;
  - (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.
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).

## **Annex 2 – Conditions consistent with the operating schedule**

### **Licensing Objectives**

#### Prevention of Crime & Disorder

1. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
2. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
3. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises and entrances/exits & outside designated smoking areas (excluding toilets).
4. The CCTV system recordings must be kept for a minimum of 28 days.
5. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.

6. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or Responsible Authority.
7. All CCTV recordings will have sufficient clarity, quality, definition to allow facial recognition.
8. Door Supervisors shall wear their SIA badge on their outer clothing at all times when on duty. There shall be a minimum of two door supervisors for up to 200 occupancy on duty at the premises from 21:00hrs to close of business on Friday and Saturday nights, on Bank Holidays, and on days of York Races. (Only applicable if venue will be open after midnight). Thereafter there shall be one SIA door supervisor per 100 additional people or part thereof.
9. When door supervisors are on duty they shall sign in and out of the premises log book, providing full details of their name and SIA number.
10. Whenever door supervisors are on duty they must keep a count of the number of persons inside the premises and written records of these figures must be kept for at least one calendar month. (For the avoidance of doubt, the one month period relates to each respective count taken and the period runs from the date of each particular record).
11. The premises DPS is responsible for risk assessing the numbers of door personnel required at the venue. Special consideration should be given to the need for additional door staff on York Racedays, Fridays, Saturdays or bank holidays or other locally or nationally significant events.
12. The Duty Manager is responsible for ensuring that sufficient staff are employed at the entrance to the premises at all times to minimise the impact of customers queuing outside the premises and for the safe passage by non-customers passing the premises.
13. The premises shall possess and use the local night-time economy radio system (where this system is in operation). The radio shall be turned on and used by staff at the premises at all times the venue is open for licensable activities.
14. Appropriate risk assessments will be carried out specific to the type of event being held at the premises.
15. The General Manager or Assistant General Manager will be on the premises at all times.
16. A Refusal Register/Incident Report book shall be maintained for the premises.
17. Such registers will record incidents of staff refusals to under age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. They shall be kept for a minimum of one year. (For the avoidance of doubt, the one year period relates to each respective entry in a Register and runs from the date of that particular entry in Register).
18. 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.

These records shall be 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).

19. All managers and door supervisors shall be in radio communication with each other at all times to ensure a swift response to incidents on the premises. The management is responsible for ensuring that radios are maintained in a good working order at all times.

20. Customers who refuse to be searched, as a condition of entry, shall be refused entry to the premises.

21. A door entry policy will be in place, which includes procedures for search and seizure of weapons and illegal substances.

22. Customers shall not be permitted to take their drinks outside of the premises.

23. The venue shall operate Challenge 25 age verification policy & display posters confirming such in prominent locations at the entrance & points of sale for alcohol.

#### Public Nuisance

24. Prominent, clear and legible notices shall be displayed on all fire exits stating that fire exits are for emergency use only.

25. All doors (except for ingress or egress) and windows shall remain closed when live and recorded music is being played.

26. Regular checks of the noise levels shall be made at the nearest residential premises when live and recorded music is being played. All noise level checks to be logged and any issues addressed immediately. Records of noise level checks to be made available for inspection by officers of the City of York Council.

27. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

28. Signs shall be displayed near the exits reminding members and guests to respect the needs of those living nearby and to leave the premises as quietly as possible.

29. Staff training shall be given and documented regarding control of noise and the related licence conditions. Records of training shall be kept for 3 years.

30. Bottle Bins shall not be emptied between 18:00 and 08:00 on each and everyday.

#### Protection of Children from Harm

31. The venue will operate a personal ID stamp or wrist band scheme for those over 18 years of age for the purpose of age identity when buying alcohol.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

No hearing held

**Annex 4 – Approved Plan**

Plan Number: BS1085-03, BS1085-04, BS1085-05 & BS1085-06

For and on behalf of  
The Director of Communities  
& Neighbourhoods

Date: 01/05/2015  
06/06/2016 (Registered Address Updated)

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552512  
Fax: 01904 551590  
Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



**From:** Golightly, Michael  
**Sent:** 23 October 2017 17:06  
**To:** EAP Licensing Unit  
**Cc:** 'Bob Leyland'  
**Subject:** Temporary event notice for DJ night on 4th and 5th November 2017 at The Crescent Community Venue, 8 The Crescent, York, YO24 1AW

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sirs

Public protection object to the above temporary event notice for a DJ night on 4<sup>th</sup> and 5<sup>th</sup> November 2017 at The Crescent Community Venue, 8 The Crescent, York, YO24 1AW on grounds of public nuisance.

We have received a justified noise complaint on Saturday 14 October 2017 which was witnessed by Officers. The noise was confirmed to amount to a statutory nuisance from loud bass and vibrations at 11pm. The complainant has stated that the noise went on until 3am and happens regularly. One of the conditions attached to the events at The Crescent stipulated that noise checks be carried out and if music was too loud it would be reduced and Public Protection have concerns about the effectiveness of this condition and will therefore be making representations.

Should you have any further queries please contact me on 01904 551580.

Regards

Michael Golightly  
**Technical Officer**

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

**Temporary Event Notice**

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>	
<b>1. Your name</b>	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	MORWOOD-LEYLAND
Forenames	ROBERT JAMES JOSEPH
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
<b>3. Your date of birth</b>	
<b>4. Your place of birth</b>	
<b>5. National Insurance Number</b>	
<b>6. Your current address (We will use this address to correspond with you unless you use the separate correspondence box below)</b>	
Post town	Post code
<b>7. Other contact details</b>	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

8. Alternative address for correspondence (if you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or (if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2))	
THE CRESCENT COMMUNITY VENUE 2 THE CRESCENT YORK YO24 1AW	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	CYC-003022
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
COMMUNITY VENUE	
Please describe the nature of the event below. (Please read note 5)	
DJ EVENT	

<b>9: The licensable activities</b>		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
SAT 14th OCTOBER 2017 → SUN 15th OCT 2017		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
14/10/17 <del>00:00</del> 00:00 → 03:00 . 12:00 - 11:59 15/10/17 00:00 → 04:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
350		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)		
RECORDED MUSIC IN FUNCTION ROOM 14/10/17 00:00 → 02:30 . <del>17:00</del> 17:00 - 11:59 15/10/17 00:00 → 04:00		

4. Personal licence holders (Please read note 11)	
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	CITY OF YORK COUNCIL
Licence number	CYC-052190
Date of issue	23/10/2024
Date of expiry	23/10/2024
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12)	
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	11
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)	
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.	

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>7. Checklist (Please read note 16)</b>	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<p><b>9. Declarations. (Please read note 18)</b></p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	30/8/17
Name of Person signing	Robert Meadows-Lewis

This authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For completion by the licensing authority

<p><b>10. Acknowledgement (Please read note 18)</b></p> <p>I acknowledge receipt of this temporary event notice.</p>	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



**PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT  
 NOTICE) AND STATEMENT OF CONDITIONS**

**Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities**

On 15 September 2017, the licensing authority received from you, Robert Morwood-Leyland, a temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on the following dates: 14 to 15 October 2017 at The Crescent Community Venue, 8 The Crescent, York, YO24 1AW. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 ("the Act"). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement ("statement of conditions") sets out the condition(s) which has/have been imposed on the notice.

The objection which applies is indicated by an "X" in the following table.

<b>Objection</b>	<b>Insert "X" as applicable</b>
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	x

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

<b>SIGNATURE</b>	On behalf of the licensing authority	<b>DATE</b>	19 September 2017
<b>Name of Officer signing</b>	Janice Cockerill, Senior Licensing Officer		

The prescribed form for a statement of conditions is as follows:

<b>The condition(s) is/are:</b>			
<p>The conditions relating to the premises licence CYC 011538:</p> <p><b>Following conditions were agreed::</b></p> <p><b>Condition 25.</b> All doors (except for ingress or egress) and windows shall remain closed when live and recorded music is being played.</p> <p><b>Condition 26.</b> Regular checks of the noise levels shall be made at the nearest residential premises when live and recorded music is being played. All noise level checks to be logged and any issues addressed immediately. Records of noise level checks to be made available for inspection by officers of the City of York Council.</p> <p><b>Condition 27.</b> A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.</p> <p><b>Condition 28.</b> Signs shall be displayed near the exits reminding members and guests to respect the needs of those living nearby and to leave the premises as quietly as possible.</p> <p><b>Condition 29.</b> Staff training shall be given and documented regarding control of noise and the related licence conditions. Records of training shall be kept for 3 years.</p> <p><b>Condition 30.</b> Bottle Bins shall not be emptied between 18:00 and 08:00 on each and everyday.</p>			
<b>SIGNATURE</b>		<b>DATE</b>	19 September 2017
	On behalf of the licensing authority		
<b>Name of Officer signing</b>	Janice Cockerill, Senior Licensing Officer		

### **Legislation and Policy Considerations**

1. The following provisions of the Licensing Act 2003 apply to this application: Section 4 General Duties of Licensing Authorities; Sections 104 to 106 Objections.
2. The following provisions of the Police Reform and Social Responsibility Act 2011 which amended the Licensing Act 2003 apply to this application; Part 2 Licensing, Chapter 1 Amendments of the Licensing Act 2003, Temporary Event Notices.
3. The following provisions of Regulation 2918, Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005: Submission of a Temporary Event Notice (TEN as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016;
4. The following provisions of the Secretary of State's guidance apply to this application: Chapter 2 The Licensing Objectives, Chapter 3 Licensable Activities and Chapter 7 Temporary Event Notices (TENs).
5. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.2 General Principles for Determination of Applications; 12 Temporary Event Notices (TENs).
6. 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.
7. 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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