
Meeting	Licensing/Gambling Hearing
Date	30 August 2018
Present	Councillors Lisle, Boyce and K Taylor

6. Chair

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

7. Introductions

8. 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.

9. Minutes

Resolved: That the minutes of Licensing Hearings held on 7 November 2017 and 25 June 2018 be approved and then signed by the Chair as a correct record.

10. The Determination of an Application by Crooked Brewing Limited for a Premises Licence [Section 18(3)(a)] in respect of Crooked Brewing, Unit 3 Greenside House, The Green, Acomb, York, YO26 5LL (CYC-061548)

Members considered an application by Crooked Brewing Limited for a Premises Licence [Section 18(3)(a)] in respect of Crooked Brewing, Unit 3 Greenside House, The Green, Acomb, York, YO26 5LL.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. The protection of children from harm

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 Manager's report and the comments of the Senior Licensing Officer given at the Hearing. The Senior Licensing Officer outlined the report noting the proposed activities and their timings made in the application and the information contained within the annexes to the report. She advised that the premises were located in the special policy area. She reported that the consultation had been carried out correctly in accordance with the Licensing Act 2003. She advised that the Applicant had agreed conditions with North Yorkshire Police which included the sale of alcohol to cease at 23:30 hours and the closing time to remain at 24:00 hours. She then gave a summary of the representation received from an other interested party on the grounds that the protection of children from harm licensing objective would be undermined if the application were to be granted. She reported that there were no planning issues in relation to your application. She ended by outlining the 4 options available to the Sub-Committee.

In response to a question from a Member of the Sub-Committee, the Senior Licensing Officer clarified that music incidental to the main activity at the bar (background in nature) was not licensable.

3. The Applicant's representation at the hearing in which he addressed in turn each of the points raised by the representor. He stated that he felt that a number of concerns raised by the representor fell outside of the scope of the hearing. In terms of the premises reducing trade for existing premises he explained that none of the local premises listed by the objector had objected to the

application. The Applicant believed that the premises by being vibrant in nature would promote trade in the local area. In response to the concern that the premises would infringe on the family/children area associated with Acomb Green, the Applicant stated that he would adopt procedures to prevent this, through the demarcation of boundaries and the monitoring of drinkers on CCTV. The Applicant noted that the premises would not be marketed at children and would be aimed at adults.

Concerning potential drunken behaviour, the Applicant explained that he had a vested interest to ensure that this did not happen and he outlined the procedures in relation to disorderly behaviour. The Applicant noted that the target market was mature customers over 25 years of age. The Applicant noted Crooked Brewing's intention to be involved with community safety initiatives, namely working the Sun Inn nearby.

The Applicant explained that he didn't expect there to be late night traffic as he anticipated that customers would walk or take public transport to the premises. With reference to disturbance from noise arising from late night closing times he explained that the trading hours were not outside the trading hours of existing nearby premises and he undertook to ensure that customers left the premises in an orderly manner. In conclusion the Applicant stated that the nature of the business was to encourage mature drinking in a social context.

In response to a Member question concerning the measures sold in your premises, the Applicant explained that the premises would sell pints of beer and that half pints and pints of beer were priced accordingly. The Applicant was asked and confirmed that this was Crooked Brewing's first premises having begun as a small brewery selling to a small number of premises in York and Leeds. In answer to a question relating to toilets, using a plan of the premises the Applicant demonstrated the location of the disabled access toilet and two other toilets.

The Applicant was asked and gave clarification on the staffing numbers at the premises during operating hours and he noted that he would ensure that there was a sufficient number of staff working at the premises

depending on the time and the number of customers. The Applicant noted that there would always be supervision of the bar area and that the premises would always be monitored.

The Sub-Committee asked if the premises had been licensed before and the Senior Licensing Officer confirmed that it had not. The Applicant then explained the premises previous uses from A3 to A1 use followed by Crooked Brewing's application to change to A4 use.

4. The representations made by the other interested party in writing. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objective listed above.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(4) 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.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.

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

Option 4: Reject the application.

In coming to their decision to choose Option 2 above, to grant the licence with modified/additional conditions agreed with North Yorkshire Police and be imposed by the licensing committee. The Sub-Committee then imposed the following additional conditions:

- a) A full colour CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. The CCTV shall be operational

at all times licensable activities are taking place at the premises. Recordings shall be retained for a period of 28 days and made available within a reasonable time upon request by the police.

- b) The sale of alcohol will cease at 23:30 hours and closing time will remain at 24:00 hours.
- c) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, were included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that none of the points raised by the objector apart from the protection of children from harm fell within the four licensing objectives. The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached, which addressed the representation made in writing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representation, 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.

Cllr S Lisle, Chair

[The meeting started at 10.00 am and finished at 10.40 am].