

**Notice of a public meeting of
Licensing/Gambling Hearing**

To: Councillors Boyce, Douglas and K Taylor

Date: Thursday, 30 August 2018

Time: 10.00 am

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

AGENDA

1. **Chair** (Pages 1 - 6)
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 interestswhich they may have in respect of business on this agenda.
4. **Minutes** (Pages 7 - 22)
To approve and sign the minutes of Licensing Hearings held on 9 November 2017 and 25 June 2018.
5. **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)**
(Pages 23 - 78)

Democracy Officer:

Name: Angela Bielby

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

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Applicant

Representors

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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.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	9 November 2017
Present	Councillors Douglas (Chair), Looker and Reid

25. Chair

Resolved: That Cllr Douglas be appointed as Chair for the hearing.

26. Introductions**27. Declarations of Interest**

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

No additional interests were declared.

28. The Determination of an Application by Deighton Lodge Ltd for a premises license Section 18(3)(a) in respect of Deighton Lodge, Rush Farm, York Road, Deighton, York, YO19 6HQ. (CYC-059320)

Members considered an application by Deighton Lodge Ltd. For a premises license Section 18(3)(a) in respect of Deighton Lodge, Rush Farm, York Road, Deighton, York, YO19 6HQ.

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

1. The prevention of crime and disorder.
2. Public safety.

3. The prevention of public nuisance
4. 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 Officer's report and her comments made at the Hearing. She outlined the application and advised that there had been four representations received, that Public Protection and North Yorkshire Police had agreed mediated representations 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 Mr Alan Moore, her representative. The applicant advised that Deighton Lodge Ltd currently hosted 15 weddings a year licensed through temporary event notices (TENs) and that a planning application had been submitted to increase this number to 30 which would require a permanent licence. The applicant explained that she wished to serve food and drink in the garden upon the arrival of guests and to provide live music outside during wedding ceremonies and to accompany the serving of refreshments. She reported that wedding guests supported the local economy and that services brought in were sourced locally. The applicant was aware of previous complaints leading to a noise abatement notice but reported that the disuse of marquees and extensive work to the barn had resolved the sound-proofing problems and no complaints had since been received. Mr Moore reported that sound checks completed in the local vicinity during a wedding had confirmed the work had been successful. Finally, the applicant explained that she would be willing to agree conditions on the license to reduce the impact of the business on local residents.
4. The written representations made by Deighton Parish Council and Primrose Hill Farm which raised concerns about noise and disruption to local residents in the run up to, and during, events.

5. The representations made by Ms Broomer and Mr Morris in writing and by Ms Broomer and Cllr Mercer (on behalf of Mr Morris) at the Hearing. Cllr Mercer stated that noise nuisance came from guests' cars arriving and departing as well as from music during the event, and that the ambition to contain events solely within the barn was unrealistic as it was likely guests would wish to go outside during the evening. Ms Broomer reported additional problems including deliveries arriving at neighbouring addresses, poor security at the site during the day, several instances of loud music late into the night, increased litter, and highway safety concerns including a collision outside the venue. It was felt that the imposition of conditions would not provide sufficient mitigation of these issues.
6. The mediated representations made by North Yorkshire Police and CYC Public Protection who, combined, recommended a total of 12 conditions to reduce the impact on local residents including restrictions on time periods in which music could be played and food and drink could be served.

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 which it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was rejected.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was approved.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was rejected.
- Option 4: Reject the application. This option was rejected.

In coming to their decision of approving the above Option 2 the Sub-Committee imposed conditions 1-6 recommended by North Yorkshire Police and conditions 3-8 as recommended by CYC

Public Protection Unit. The Sub-Committee also imposed the following additional conditions:

Proposed Activity	Timings
Live Music shall be indoors only	Friday, Saturday & Sunday and Bank Holiday Monday 10:00 – 23:00
Recorded Music shall be indoors only	Friday, Saturday & Sunday 10:00 – midnight Bank Holiday Monday 10:00 – 23:00
Late Night Refreshment indoors only	Friday, Saturday & Sunday 23:00 – midnight
Sale of alcohol (on sales)	Friday, Saturday & Sunday 10:00 – midnight Bank Holiday Monday 10:00 – 23:00
Opening times	Friday, Saturday & Sunday 09:00 – 00:30 Bank Holiday Monday 10:00 – 23:00

- No music (live, recorded, or amplified) to be played outside the barn at any time.
- No late-night refreshments to be sold or served outside the barn.
- The contact details for the wedding co-ordinator shall be provided to Deighton residents prior to any events taking place (together with any changes to those details) and the wedding co-ordinator shall be contactable by Deighton residents for the duration of all events held at the venue.

The Sub-Committee took into account the representations regarding public nuisance from the premises but felt that the imposition of suitable and proportionate conditions would enable weddings to continue while protecting local residents. The Sub-Committee attached great weight to the fact that the Council's Public Protection Unit and Police had not raised concerns that the licence should not be granted. They also considered that the applicant was able to offer evidence that activity leading to previous complaints had since been discontinued or appropriately adapted. Concerns raised about the noise of cars arriving and departing would be reduced through the earlier finish time, and the prevention of serving refreshments and playing music outside would minimise nuisance noise to the surrounding area.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached which addressed representations made both in writing and at the hearing, 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.

Cllr Douglas, Chair

[The meeting started at 10.00 am and finished at 11.55 am].

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Meeting	Licensing/Gambling Hearing
Date	25 June 2018
Present	Councillors Hunter, K Taylor and Wells

1. Chair

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

2. Introductions

3. 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.

4. Minutes

Resolved: That the minutes of Licensing Hearings held on 26 February 2018, 5 April 2018, 9 April 2018 and 26 April 2018 be approved and then signed by the chair as a correct record.

5. The Determination of an Application by Mr Mehmet Simsek for a Premises Licence [Section 18(3) (a)] in respect of 5 Whip ma Whop ma Gate, York, YO1 8BL (CYC-061097)

Members considered an application by Mr Mehmet Simsek for a Premises Licence [Section 18(3)(a)] in respect of 5 Whip ma Whop ma Gate, York, YO1 8BL.

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

1. Prevention of Crime and Disorder.
2. The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were

presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The 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 Cumulative Impact Zone (CIZ). She reported that the consultation had been carried out correctly in accordance with the Licensing Act 2003.

The Senior Licensing Officer advised that North Yorkshire Police had made representations on the grounds that the premises was located within the (CIZ) and the prevention of crime and disorder and the prevention of public nuisance licensing objectives would be undermined if the premises licence were to be granted. She further advised that representation from City of York Council (CYC) Public Protection (Environmental Protection) had been withdrawn following the Applicant's agreement of the conditions put forward by them. The Senior Licensing Officer confirmed that additional information from both the Agent for the Applicant and North Yorkshire Police had been circulated to all parties in advance of the hearing.

3. Representation from the Applicant's Agent, Hilary Ramli and her colleague Roz Ramli (Ramli Fire Consultancy) on his behalf at the Hearing. Hilary Ramli explained that the premises currently operated as a barbers shop. She stated that the police representation had been based on a previous planning application. However, since the agenda papers had been published, the Applicant had been granted planning permission for the change of use to restaurant/bar with the formation of a roof top terrace. She explained that the Applicant had sought mediation with the police based on the new planning application. She advised that a noise management plan was agreed as part of the planning conditions and she noted the conditions agreed with City of York Council (CYC) Public Protection (Environmental Protection). She added that there would be signage placed in the premises asking customers to be quiet on leaving the premises.

4. Roz Ramli (Ramli Fire Consultancy) spoke in regards to the crime statistics referred to by North Yorkshire Police in their representation. He stated that the study area should have been 100m away from the premises. However, the crime statistics used by the police included busier areas such as Goodramgate and Swinegate. He asked why the crime statistics had not been broken down to show which crimes were alcohol related. He referred to the chart for anti social behaviour which showed crime over a 24 hour period noting that there had been two anti social behaviour incidents during the operating hours included in the planning approval. He suggested that there was a misrepresentation of crimes during the day as the national statistics used different times for the 'night time economy' whereas the statistics used by the police included crime between the times of 10:00 hours to 18:00 hours, and he questioned whether all of the crimes committed between those times could be attributed to alcohol consumption. He concluded that the police crime report did not give sufficient evidence on which to support their objection.

Hilary Ramli then referred to North Yorkshire Police proposed condition number 8, that: *'There will be a minimum of 45 seat covers for diners on the ground floor and a minimum of 30 seated covers for diners on the rooftop terrace at all times the venue is open to reduce the need for vertical drinking.'* She explained that the roof top terrace could not accommodate 30 covers. However, after consulting with the Applicant, the Applicant confirmed that the roof top terrace could accommodate 30 covers. During the hearing Hilary Ramli clarified that the only condition sought by North Yorkshire Police that was not acceptable to the Applicant related to the operating hours.

5. The representations made by Sgt Jackie Booth (Alcohol Licensing Unit, North Yorkshire Police). She stated that there had been an increase in crime in the CIZ area that the premises were located in the CIZ. She outlined CYC's own policy on CIZs and advised that each application made in a CIZ should be considered on its own merits. She stated that the application had failed to address how the Applicant would put in measures to seek to promote the licensing objectives and mitigate any potential impact within the CIZ. She explained the disorder at the taxi rank close to the premises and highlighted that there was no

dispersal area for customers. She noted that the application made no reference to alcohol being sold ancillary to food. She advised that on a meeting involving the Police and the Applicant on 17 May 2018, the Applicant stated that he would be serving tapas style food. This suggested that the premises would in reality be a bar offering snacks within the CIZ.

Sgt Booth concluded by stating that crime was above average in the Ward, and should Members be minded to grant the application, this would contribute to anti social behaviour and alcohol related crime. She advised Members that under the Section 17 of the Crime and Disorder Act the Council should do all it could to prevent crime and disorder.

Sgt Booth was asked by Members why North Yorkshire Police had asked for reduced opening hours and she explained that this was because the crime statistics showed higher than average crime in the area and the police believed that opening another establishment would contribute to disorder in the area.

Members asked what the Police view would be, should the Applicant agree to the reduced opening hours. Sgt Booth stated that the Police would withdraw their representation if all the conditions proposed by the Police were agreed.

The Applicant was then asked if he would amend his application to include the reduced hours as requested by the Police to which he responded that he would not, but that he agreed to all the other conditions requested by the Police.

In summing up, Sgt Booth noted that the application was for a premises licence in the CIZ and if another new drinking establishment was created, this would contribute to crime and disorder in the area. She reminded the Sub-Committee of the CYC licensing objectives of the prevention of crime and disorder and the prevention of public nuisance licensing objectives, which would be undermined if the premises licence were to be granted.

Hilary Ramli, Agent for the Applicant, concluded by stating that planning permission had been granted with an operating schedule. She didn't believe that the statistics used by the

Police were a true reflection of the area and were not based solely on alcohol consumption.

In response to a question from the Sub-Committee, Sgt Booth gave an overview of the areas that North Yorkshire Police would use on their statistics for the night time economy.

Following consideration of representations, the Sub-Committee requested clarification on a number of points from the Applicant and North Yorkshire Police in order to inform their decision.

Members asked Sgt Booth whether the Police opposed the grant of a licence as the premises were in the CIZ or whether the Police would consider the application to be acceptable with the proposed conditions. Sgt Booth explained that, taking on board the guidance published in April 2018, the application should be considered on its own merits. She noted that because of the lack of information in the operating schedule concerning how the Applicant would address the prevention of crime and disorder and the prevention of public nuisance, the licence would need to include robust and enforceable conditions, including alcohol being ancillary to food and a reduction in operating hours to 23:30 hours. She added that should these not be put in place, the premises would add to the cumulative impact of anti social behaviour at the nearby taxi rank later on a night.

In response to this, Hilary Ramil commented that the Applicant would not agree to alcohol being served ancillary to food.

Sgt Booth explained that the application was for a restaurant, not a bar, which was an application for a vertical drinking establishment. Hilary Ramli clarified that was an application for a food establishment and bar. She went on to suggest that more customers would want taxis earlier in the evening to which Sgt Booth responded that having spoken to the Area Inspector, there were more customers waiting for taxis later at night.

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

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

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.

Option 4: Reject the application.

In coming to their decision to choose Option 2 above to Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.

The Sub-Committee then imposed the following additional conditions:

1. Whilst regulated entertainment is taking place, all doors and windows shall remain closed, except for the purposes of ingress and egress.
2. The doors to the roof terrace shall be closed and remain closed after 9pm each day.
3. Customers will not be allowed on the roof terrace after 9pm each day.
4. Signs shall be displayed near the exits reminding customers to respect the needs of those living nearby and to leave the premises as quietly as possible.
5. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises.
6. Any complaints received from local premises to be acted upon immediately to reduce the noise levels. Any noise complaints to be logged in a log book and actions taken also logged.

7. The Log book shall be made available to the Local Authority on request.
8. Licensable activities and closure of the premises to the public shall be no later than 23:30 hours, with no access to the roof top terrace after 19:00 hours.
9. Customers shall only be served by way of waiter / waitress service.
10. On days when race meetings are held at York Racecourse (save for the family meeting held in September) a minimum of 2 door supervisors shall be provided at the premises from 17:00 hours to the close of business. At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment to be carried out by the Designated Premises Supervisor and / or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands.
11. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises.
 - The recordings shall be of good evidential quality to be produced in court or other such hearing.
 - Copies of recordings will be kept available for any responsible authority for 28 days.
 - Copies of the recordings will display the correct time and date of the recording.
12. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 - retail sale of alcohol;
 - age verification policy;
 - conditions attached to the premises licence;
 - permitted licensable activities;
 - the licensing objectives; and
 - opening times for the venue.With such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry].

13. An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:
- all crimes reported to the venue;
 - any complaints received regarding crime and disorder;
 - any incidents of disorder;
 - any refusal of sale of alcohol.

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

14. All off sales shall be in sealed containers and no drinks in open vessels to be taken off the premises.
15. There will be a minimum of 45 seat covers for diners on the ground floor and a minimum of 30 seated covers for diners on the rooftop terrace at all times the venue is open to reduce the need for vertical drinking.

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 reasons for the decision were that:

- i) The premises was within the Cumulative Impact Zone (CIZ). The fact that it was within the CIZ was not in itself sufficient grounds on which to refuse an application. However, the onus was firmly on the Applicant to demonstrate how the proposal would promote the licensing objectives.
- ii) The Applicant did not provide sufficiently detailed evidence to convince the Sub-Committee that the impact of the premises in the terms applied for promoted the licensing objectives. The Applicant failed to mention in the application the significance of being in the CIZ and the application did not adequately address how the application would not add to cumulative impact. However, the application was considered on its merits.
- iii) The Sub-Committee attached great weight to the Police evidence and concerns raised regarding crime and disorder and

public nuisance and cumulative impact that would likely arise from granting the licence in the terms applied for.

iv) Having considered the individual circumstances of the case, the Sub-Committee was not persuaded by the evidence before it that there were sufficient grounds to rebut the presumption against grant that applies in the CIZ. It considered that the application in the terms applied for would undermine the licensing objectives of preventing crime and disorder and public nuisance and add to cumulative impact. In addition, the area was particularly sensitive due to the close proximity of the premises to a taxi rank.

v) However, the Sub-Committee was satisfied that the inclusion on the licence of additional conditions from City of York Council Public Protection Unit (Environmental Health) and North Yorkshire Police as set out in the Licensing Manager's report (including the provision of seating and a terminal hour of 23:30) were necessary and sufficient to promote the licensing objectives and would not add to the cumulative impact within the CIZ.

The Chair reminded the Applicant that the licence could be reviewed if the licensing conditions were not adhered to or if problems relating to licensable activities at the premises arose.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions which addressed representations made both in writing and at the hearing, 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.

Cllr Wells, Chair

[The meeting started at 10.00 am and finished at 11.20 am].

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Licensing Act 2003 Sub Committee

30 August 2018

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Crooked Brewing Limited, Unit 3 Greenside House, The Green, Acomb, York, YO26 5LL

Summary

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-061548
3. Name of applicant: Crooked Brewing Limited
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:

Proposed Activity	Timings
Supply of Alcohol (On and Off the premises)	Monday to Sunday 11:00 – 00:00
Opening Hours	Monday to Sunday 11:00 – 00:00
Non Standard Timings for all licensable activities and Opening Hours	New Year's Eve 11:00 – 01:00

Background

6. A copy of the application is attached at Annex 1. A copy of the plan of the premises is attached at Annex 2.

Promotion of Licensing Objectives

7. The applicant has proposed numerous conditions in order to address the four licensing objectives. These conditions are attached

at Annex 3 as the operating schedule and form part of the application.

Consultation

8. 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.
9. All procedural aspects of this application have been complied with.

Special Policy Consideration

10. This premise is not located within the special policy area.

Summary of Representations made by Responsible Authorities

11. After mediation with North Yorkshire Police, the applicant agreed to the following conditions being attached to the premises licence if granted. The agreement is attached at Annex 4.
 - 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.

Summary of Representations made by Other Parties

12. One representation was received from other parties on the grounds that the protection of children from harm licensing objective would be undermined if the application were to be granted. Details of the representor are attached at Annex 5. A copy of the representation is attached at Annex 6.

13. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

14. There are no planning issues in relation to this application.

Options

15. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
16. Option 1: Grant the licence in the terms applied for.
17. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
18. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify / add conditions accordingly.
19. Option 4: Reject the application.

Analysis

20. The following could be the result of any decision made this Sub Committee:-
21. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
22. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
23. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

25. 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.

26. 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

27.

- **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 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

28. 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.
29. 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

30. Members determine the application.
Reason: To address the representations 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:

Mike Slater
Assistant Director for Planning and
Public Protection.

**Report
Approved**



Date 10/08/2018

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Acomb



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - Operating Schedule
- Annex 4** - Police Mediated conditions
- Annex 5** - Details of representor
- Annex 6** - Copy of representation
- Annex 7** - Plan of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations

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061548
Receipt 792701

emailed on 09/07/18



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Crooked Brewing Limited
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Unit 3, Greenside House The Green Acomb			
Post town	York	Postcode	YO26 5LL
Telephone number at premises (if any)	-		
Non-domestic rateable value of premises	£ £21,750		

Part 2 - Applicant details

- Please state whether you are applying for a premises licence as Please tick as appropriate
- a) an individual or individuals * please complete section (A)
 - b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

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

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name	Crooked Brewing Limited
Address	530 Huntington Road Huntington York North Yorkshire YO32 9QA
Registered number (where applicable)	Company Number : 10233869
Description of applicant (for example, partnership, company, unincorporated association etc.)	Private Limited Company
Telephone number (if any)	0777 1494303
E-mail address (optional)	hudson@crookedbrewing.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	09	2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Ground floor retail premises, located in Unit 3 of Greenside House, with an approximate floor area of 170 m2.

Adjacent properties comprise a tea room and restaurant, with a workshop (currently vacant) to the rear and a suite of offices to the first floor. The premises is glass fronted, with a small terrace overlooking York Road towards Acomb Green.

The Proposal is for the conversion of the premises from a retail unit to bar specialising in the sale of craft beer.

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

-

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
				Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	24:00			
Tue	11:00	24:00			
Wed	11:00	24:00			
Thur	11:00	24:00			
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			New Years Eve : Start 11:00 to 01:00 Finish		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Hudson John Aschmann
Date of birth	28/11/1969
Address	530 Huntington Road Huntington York North Yorkshire
Postcode	YO32 9QA
Personal licence number (if known)	CYC-058172
Issuing licensing authority (if known)	City of York Council

K

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

-

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	24:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>New Years Eve : Start 11:00 to 01:00 Finish</p>
Tue	11:00	24:00	
Wed	11:00	24:00	
Thur	11:00	24:00	
Fri	11:00	24:00	
Sat	11:00	24:00	
Sun	11:00	24:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see attached Schedule

b) The prevention of crime and disorder

Please see attached Schedule

c) Public safety

Please see attached Schedule

d) The prevention of public nuisance

Please see attached Schedule

e) The protection of children from harm

Please see attached Schedule

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

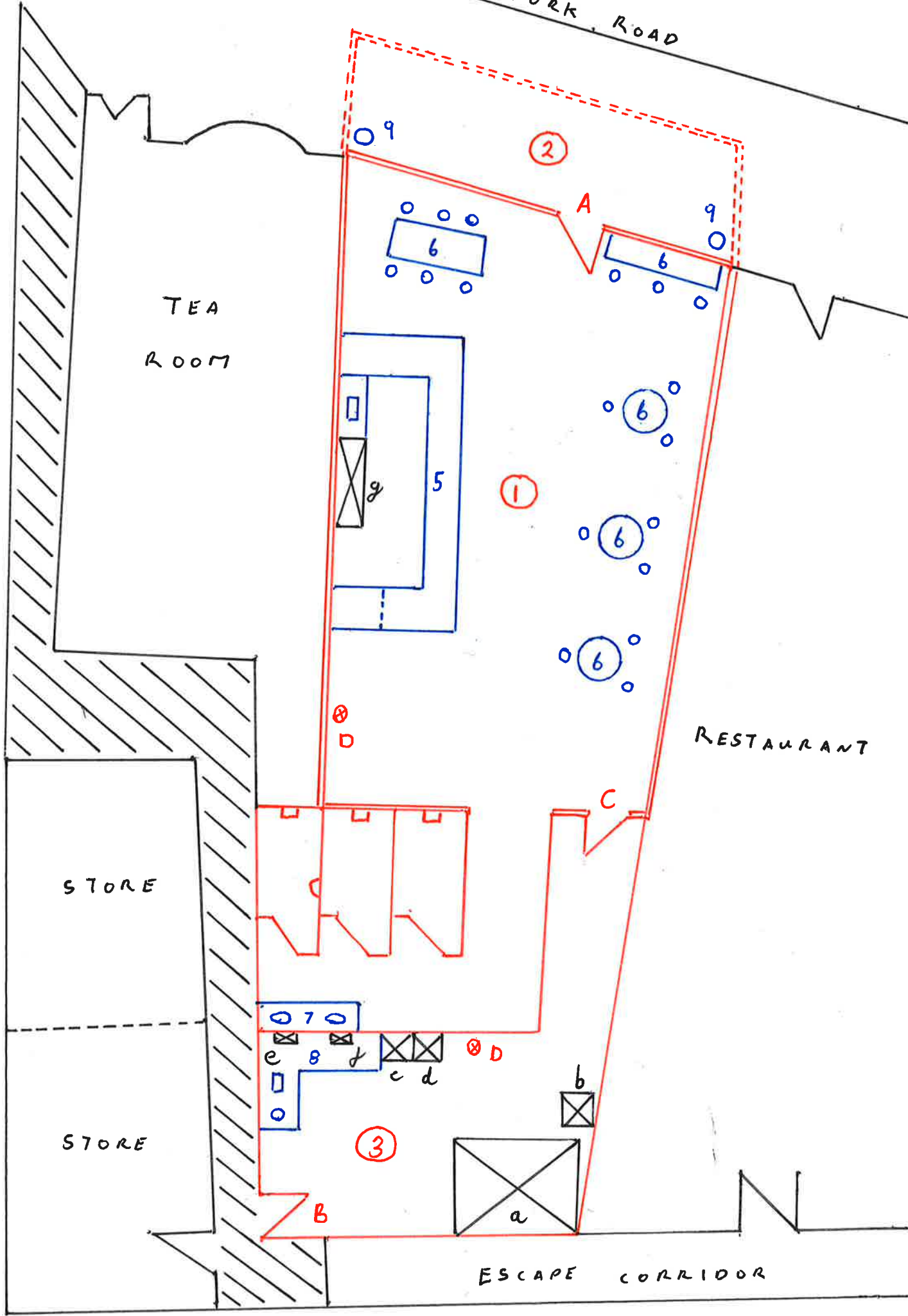
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	4 / 7 / 18
Capacity	Director

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town	York	Postcode	YO32 9QA
Telephone number (if any)			
If you would prefer to be contacted with you by e-mail, your e-mail address (optional)			

YORK ROAD



CROOKED BREWING LIMITED - PREMISES PLAN LEGEND

SCALE 1:100

PREMISES	
1	Area encompassed by double red line represents main bar area Designated area for the supply of alcohol Designated area where children are permitted under supervision
2	Area encompassed by double dotted line represents small terrace to the front of the property (demarked by a small single chain link fence) Designated area for the supply of alcohol Designated area where children are permitted under supervision Designated vaping area
3	Area encompassed by single red line represents staff area Kitchen area where bar snacks are prepared and washing up undertaken Staff only area
4	WC
FURNITURE	
5	Bar counter and sink
6	Table and chairs
7	Wooden counter and sinks
8	Stainless steel counter and sinks
9	Litter bins
APPLIANCES	
a	Modular cold store and compressor
b	Beer cooler
c	Commercial dishwasher
d	Fridge
e	Gas boiler
f	Microwave, kettle, ice machine
g	Bar fridge
FIRE SAFETY	
A	Entrance and exit to main bar area (please note the architectural plan shows a double door of a width 160 cm, the actual building has a single door of width 89cm)
B	Emergency exit to alley which leads to York Road Steel door with panic bar
C	Fires safe door Automatic closing
D	Fire extinguishers

CROOKED BREWING – LICENSING OBJECTIVES

General	<i>Who we are</i>	<p>Crooked Brewing Limited ("Crooked Brewing") is a medium sized craft beer micro brewery (8.5 BBL)</p> <p>Located at Leeds East Airport, Church Fenton we have been operating for just over 12 months, producing a range craft beers which are predominately based on session pale ales</p> <p>We are registered as a brewer with HM Custom & Revenue (AWRS Reg No: XDAW00000107844)</p>
	<i>Customer Profile</i>	<p>Our target customers are craft beer drinkers aged 25 years and above</p> <p>Customers who, over and above looking for quality and flavoursome beer, are also looking for more choice in the beer they drink and have an interest in the originality and locality of the products</p>
	<i>Premises Location</i>	<p>Our location in the suburbs is intentional, with the bar to be promoted as a community bar, targeted at moderate social drinkers in a balanced social mix</p> <p>Its central location facilitates easy access for local resident's and it is anticipated the bar will provide an alternative to city drinking</p>
	<i>Products</i>	<p>We intend to sell our own range of craft beers (the bar will effectively be an outlet/tap room for beers produced by Crooked Brewing), together with beers sourced from other local brewers and craft beers which we believe would be of interest to our customers</p> <p>In this regard craft beer is a premium product, priced accordingly and as such targeted at discerning drinking rather than binge or excessive drinking</p> <p>In addition to beer, we intend to offer:</p> <ul style="list-style-type: none"> - A limited selection of wine and spirits - A range of soft drinks and free potable water to those who are looking for an alternative to alcoholic beverages - A limited selection of bar snacks
	<i>Management and Supervision</i>	<p>The Premises shall be under the supervision of the "Designated Premises Supervisor" who has confirmed his obligation in this regard</p> <p>We are committed to adopting industry best practices, staff training initiatives and involvement in community safety partnerships</p> <p>We are committed to responsible drinking</p>
	<i>Qualifications</i>	<p>Within Crooked Brewing the following qualifications are held:</p> <ul style="list-style-type: none"> - Personnel Licence (Level 2) - Health and Hygiene (level 3) - Child Safeguarding (Level 3)

LICENSING OBJECTIVES	RISK	CONTROL MEASURE
The Prevention of Crime and Disorder	<i>Drunkness on the Premises/Disorderly Behaviour</i>	<ul style="list-style-type: none"> • The target customers, location, opening hours and social mix should combine to encourage moderate, responsible and social drinking • Written procedures will be put in place and the staff adequately trained to: <ul style="list-style-type: none"> - Identify symptoms of drunkness - Address drunkness and antisocial behaviour on the Premises • Sufficient staff will be employed to ensure that the Premises can be adequately monitored and supervised at all times • Single entrance, with the area designated for the consumption of alcohol clearly visible from the bar, will allow staff to monitor customers and their behaviour at all times • No irresponsible drink promotions that condone or encourage excessive drinking will be allowed or adopted • We will support and promote pub watch schemes where other bars can be quickly notified of any disorderly behaviour in the area • A log of disturbances will be kept on the Premises and available for inspection at all times
	<i>Public Drunkness/Disorderly Behaviour</i>	<ul style="list-style-type: none"> • Notices will be clearly displayed stating that no open alcohol is to be removed from the Premises • We will support community partnerships to notify, prevent and discourage public drunkness
	<i>Underage Drinking</i>	<ul style="list-style-type: none"> • See below under the section "The Protection of Children From Harm"
	<i>Drugs</i>	<ul style="list-style-type: none"> • We will operate a zero tolerance approach to drug use or drug dealing
	<i>Security</i>	<ul style="list-style-type: none"> • A chain link grill on the front window will be rolled down and locked outside of operating hours • Cash to be removed or locked in a safe overnight

LICENSING OBJECTIVES	RISK	CONTROL MEASURE
Prevention of Public Nuisance	<i>Noise/Operating Hours</i>	<ul style="list-style-type: none"> • Proposed operating hours are consistent with adjacent businesses to ensure that there is no additional noise or disruption outside the operating hours of the existing businesses in the area • Staff who depart late at night when business has ceased are to conduct themselves in such a manner to avoid causing a disturbance • All deliveries and movements of bins/rubbish will take place during normal business hours (09:00 to 17:00) • Customers will not be admitted to the Premises outside operating hours • Notices to customers will be displayed at the exit requesting that they respect the needs of nearby residents and the leave the area quietly • For reference, immediate neighbours are not residential and comprise: <ul style="list-style-type: none"> - A restaurant (Indian Ocean closing 24:00) - A tea room (Tea on the Green closing 16:00) - A workshop (currently vacant) - A pub adjacent to tea room (Sun Inn closing 24:00) - A restaurant adjacent to the restaurant (Pizza Hut closing 23:00 week day and 24:00 weekend) - Accommodation above the Premises is used by the staff of the restaurant (Indian Ocean) as a temporary overnight stay • Any music will be incidental to the main activity of the bar and shall be background in nature
	<i>Litter/Lighting</i>	<ul style="list-style-type: none"> • Outside bins to be provided to avoid public littering • No additional external lighting is required (existing street lighting is adequate)

LICENSING OBJECTIVES	RISK	CONTROL MEASURE
Public Safety	<i>Cleaning</i>	<ul style="list-style-type: none"> • Cleaning schedules will be prepared and adhered to, specifically: <ul style="list-style-type: none"> - Staff will be trained and supervised on the cleaning and sanitising of beer lines - A commercial dishwasher will be used to ensure that glassware, crockery and cutlery is adequately cleaned and sanitised • The overall Premises will be maintained in a clean and tidy condition • A log will be kept of all cleaning activities
	<i>Building Maintenance and safety</i>	<ul style="list-style-type: none"> • Maximum occupancy levels will be set and monitored by staff • Adequate toilet facilities will be provided for the prescribed occupancy level • The Premises will be adequately ventilated for the prescribed occupancy level, with fresh air inflows to be drawn from door and windows and outflows to be extracted from behind the bar • The Premises, fittings and apparatus therein will be maintained in good order and in a safe condition • Glass frontage will be inspected for safety and to the extent required safety films applied
	<i>Fire Safety Trading Standards Health and Hygiene</i>	<ul style="list-style-type: none"> • See attached Schedules
	<i>Drinking and Driving</i>	<ul style="list-style-type: none"> • The central location of the Premises makes the bar easily accessible to local resident's without the need to drive • The Premises are located on a well serviced bus route providing a viable alternative option to driving • We intend to promote a culture that persuades and assists customers not to drink and drive, in this regard: <ul style="list-style-type: none"> - Bus timetables and taxi contact numbers will be prominently displayed - Antidrink driving material will be sourced and displayed - Staff will be trained on offering customers with sensible drink driving advice - We will respect those customers who choose not to drink and provide a reasonable range of products for those who are looking for an alternative to alcoholic beverages. - Small measures of alcohol small will be available - Customers will be made aware of the ABV of products - Free potable water will be on offer

LICENSING OBJECTIVES	RISK	CONTROL MEASURE
<p>The Protection of Children From Harm</p>	<p><i>Underage drinking</i></p>	<ul style="list-style-type: none"> • An age verification policy will be adopted to prevent the sale of alcohol to underage customers • The age verification policy shall be based on the "Challenge 25" principles, with: <ul style="list-style-type: none"> - Staff to sign a declaration on age verification - "Challenge 25" signage adopted (Clear notices stating that anyone who is over 18 but under 25 will be asked to prove that they are over 18 should they wish to buy alcohol) - Staff to be trained on age establishment and what constitutes valid proof of age (UK Driving License/Pass Hologram ID cards/UK Passport) - A Log book recording any incidents shall be kept on the Premises at all times • All alcohol to be stored/dispensed in a manner that ensures that it can only be dispensed/consumed under supervision of staff and is not accessible to children
	<p><i>Exposure to adult activities</i></p>	<ul style="list-style-type: none"> • No child under the age of 18 shall be allowed onto the Premises if an adult does not accompany them • No underage drinkers to be targeted in any promotions • Children only allowed in bar area, where they can be monitored/supervised by staff • Designated vaping area outside the Premises

CROOKED BREWING - FIRE SAFETY SCHEDULES

Fire Hazards:	
Electrical equipment	Fridge/Beer cooler/Cold room compressor/Dish washer/Microwave/Kettle/Ice machine
Gas equipment	Boiler
Other	Cold room structure consists of polyurethane panels with a galvanised steel skin
People at Risk:	
Operating Hours	Customers Staff Other residents
Outside Operating Hours	The rooms above the Premises are used by staff of the restaurant ("Indian Ocean") as temporary accommodation, as such possible sleeping persons outside of normal operating hours
Controlling Factors:	
Small fire	Fire extinguishers (please refer to plan for location)
Evacuation	Emergency exit to front and rear of the Premises (please refer to plan for location) Panic bar on rear door Fire exits to be clearly marked
Spread of Fire	Fire door and stud wall between customer area and staff area (please refer to plan for location)
Notification	Smoke alarm, with smoke detectors setting off fire alarms in the whole building Serviced every three months under contract
Training	Emergency numbers to be clearly displayed Clear set of procedures to be followed in the event of a fire, including: <ul style="list-style-type: none"> - How to put out a small fire - In the event of evacuation where to direct customers - How to check that all customers and residents have left the building - How to notify fire services and other residents - Procedures to be discussed with staff and staff to confirm that they are clear and comfortable with both the procedures and their respective roles
Arson	Chain link roller grill on front window to ensure that the Premises are secure outside of operating hours. Smoke alarm (see above)
Other	Gas equipment to be professionally installed, regularly tested and certified Electrical equipment to be professionally installed, regularly tested and certified Cleaning chemicals to be kept in a safe secure location Use of fire safe products

CROOKED BREWING - TRADING STANDARD SCHEDULES

What We Sell	Where We Sell	How We Sell	Other
<p>Goods:</p> <ul style="list-style-type: none"> • Supply of alcohol – beer, wine, cider and spirits • Bar Snacks – Chips, nuts, sausage rolls, pork pies and cheese platters • Range of soft drinks • Potable water to be provided free to customers <p>Obligation to ensure products are:</p> <ul style="list-style-type: none"> - Of satisfactory quality - Fit for purpose - As described <p>Refunds:</p> <p>If the above obligations are breached, the customer is entitled to a replacement or refund (see Refunds below)</p>	<p>On Premises</p> <p>Clear information to be provided to customers on:</p> <ul style="list-style-type: none"> - The goods for sale (see Product Description below) - Any additional payments (see Additional Payments below) 	<p>Verbal consumer contract:</p> <ul style="list-style-type: none"> • Offer - Goods displayed in store or on a menu inviting customers to buy • Acceptance – Customer requests goods • Consideration – Monetary consideration • Intention - Customer and bar intend to contact • Legal capacity – Customer and bar must be legally entitled to contract <p>We have the right to withdraw from a prospective contract (essentially, we do not have to accept the consumer's offer to buy)</p>	<p>Age Verification Policy (See Licensing Objectives, "The Protection of Children from Harm")</p> <p>Weights and measures (see Weights and Measures below)</p> <p>AWRS – We have an obligation to carry out reasonable due diligence checks on the supply chain to ensure that we are not implicit in any illicit trading or fraud (see AWRS below)</p> <p>No irresponsible drink promotions to be undertaken</p>

CROOKED BREWING - TRADING STANDARD SCHEDULES

Product Description

- Product information will be clearly displayed on boards and the menu
- Accurate product descriptions will be provided, including where appropriate:
 - Alcoholic strength (ABV)
 - Volumes
 - Allergen information
 - Where applicable additional information on nature and characteristics of the product (for example cloudy beer/sour beer)
 - The prices to be clearly indicated, unambiguous and inclusive of VAT and any other taxes
 - Staff to be trained on the products to address customer queries or questions.

Additional Payments

- The intention is not to charge any minimum order charges, additional service charges or compulsory minimum charges, but if applicable such charges will be made clearly visible to customers without them having to ask for them
- No surcharges for using the following methods of payment:
 - Consumer credit cards, debit cards or charge cards
 - Similar payment methods that are not card-based (for example, mobile phone-based payment methods)
 - Electronic payment services

Returns policy

- Should a product be sold to a customer that is not of:
 - Satisfactory quality
 - Fit for purpose
 - As described

Customers shall be offered the option of a replacement or refund of cash.

- A log will be kept of all returns

AWRS

- Reasonable care is to be exercised when entering into business relations with suppliers to ensure that we are not implicated in any illicit trading with regard to duty evasion or fraud in respect of the supply chain
- Alcohol will only be purchased from approved suppliers who are registered with HMRC
- The Unique Reference Number provided by the supplier will be checked to the HMRC register as part of the due diligence process
- Appropriate records will be kept of all purchases and the due diligence procedures followed

CROOKED BREWING - FOOD HYGIENE AND SAFETY SCHEDULES

- Products will be sold in a manner such that the quality is expected to meet the expectations of the consumer
- Products will be as described and not presented in a way that misleads the consumer
- Nothing will be added or removed to a product that would make it harmful to health
- The Food Standards Agency “safer food, better business (SFBB)” procedures will be adopted
- All products (without exception) will be sold within their best before or use by date
- The details of all suppliers will be recorded and the records available for inspection at any time
- The following will all be managed through a robust hazard analysis and critical control point process, which all staff will be made familiar with through a thorough induction:
 - Risks of contamination
 - Temperature controls
 - Storage and preservation
 - Personal hygiene
 - Pest control
 - Cleaning and disinfection
 - Food safety management
- Available to customers on request for all products sold will be
 - Any required warnings e.g. “contains a source of phenylalanine”
 - A list of ingredients (if there are two or more)
 - Whether the food contains any of the 14 specified allergens
 - The name and address of the responsible food business operator
 -
- A log will be maintained on site of all staff sickness

Weights & Measures

- Draught sales of beer, lager and cider will be sold by the glass in the following quantities:
 - 1/2 pints
 - 1/3 pints
 - Multiples of 1/2 pints

The quantity will be determined using brim measures or lined glasses

If customers consider that the amount of frothy head served is excessive they can ask for the glass to be topped up to a reasonably acceptable level

- Wine will be sold by the glass in the following quantities:
 - 125 ml
 - 175 ml
 - multiples of 125 ml or 175 ml

The quantity of wine by the glass will be determined using "thimble" measures or lined glasses

- Spirits will be served by the glass in quantities of:
 - 25 ml
 - multiples of 25 ml

The quantity served will be determined using "thimble" measures

- All "thimble" measures or glasses used to determine the quantities served will be "Government stamped" to ensure that the quantity served is accurate

Cockerill, Janice

From: Hollis, Kimberley [Kimberley.Hollis@northyorkshire.pnn.police.uk]
Sent: 19 July 2018 09:30
To: EAP Licensing Unit
Cc: Hudson Aschmann
Subject: FW: Crooked Brewing - Unit 3 Greenside House

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing,

Please see the below email confirming agreed conditions in respect of the above premises application. Please note the change to on and off sales.

Hudson,

Many thanks for your response.

Regards

Kim

PC 1671 Kim HOLLIS
Alcohol Licencing
Partnership Hub
North Yorkshire Police

Tel: 101

'Committed to the Code of Ethics'

From: Hudson Aschmann [<mailto:hudson@crookedbrewing.co.uk>]
Sent: 19 July 2018 08:25
To: Hollis, Kimberley
Subject: Crooked Brewing - Unit 3 Greenside House

Dear Kimberly,

Further to your email, just to confirm that we are happy and agree to the proposed terms and conditions, namely:

- 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 periods of 28 days and made available within a reasonable time upon request by the police;
- b) The sale of alcohol would cease at 2330hrs and closing would remain at 2400hrs; and
- c) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

As advised it would seem sensible for us to included "off sales" in our application, as such to the extent possible could we ask that you include the above provisions relating to off sales in your response to the City of York Council.

Many thanks

Hudson Aschmann

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expressed in this document may not be official policy.

Thank you for your co-operation.

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

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26th July 2018

Dear Sir/Madam,

I wish to make representation against the proposed Community Bar at Unit 3, Greenside House, The Green, ~Acomb, York, YO26 5LL

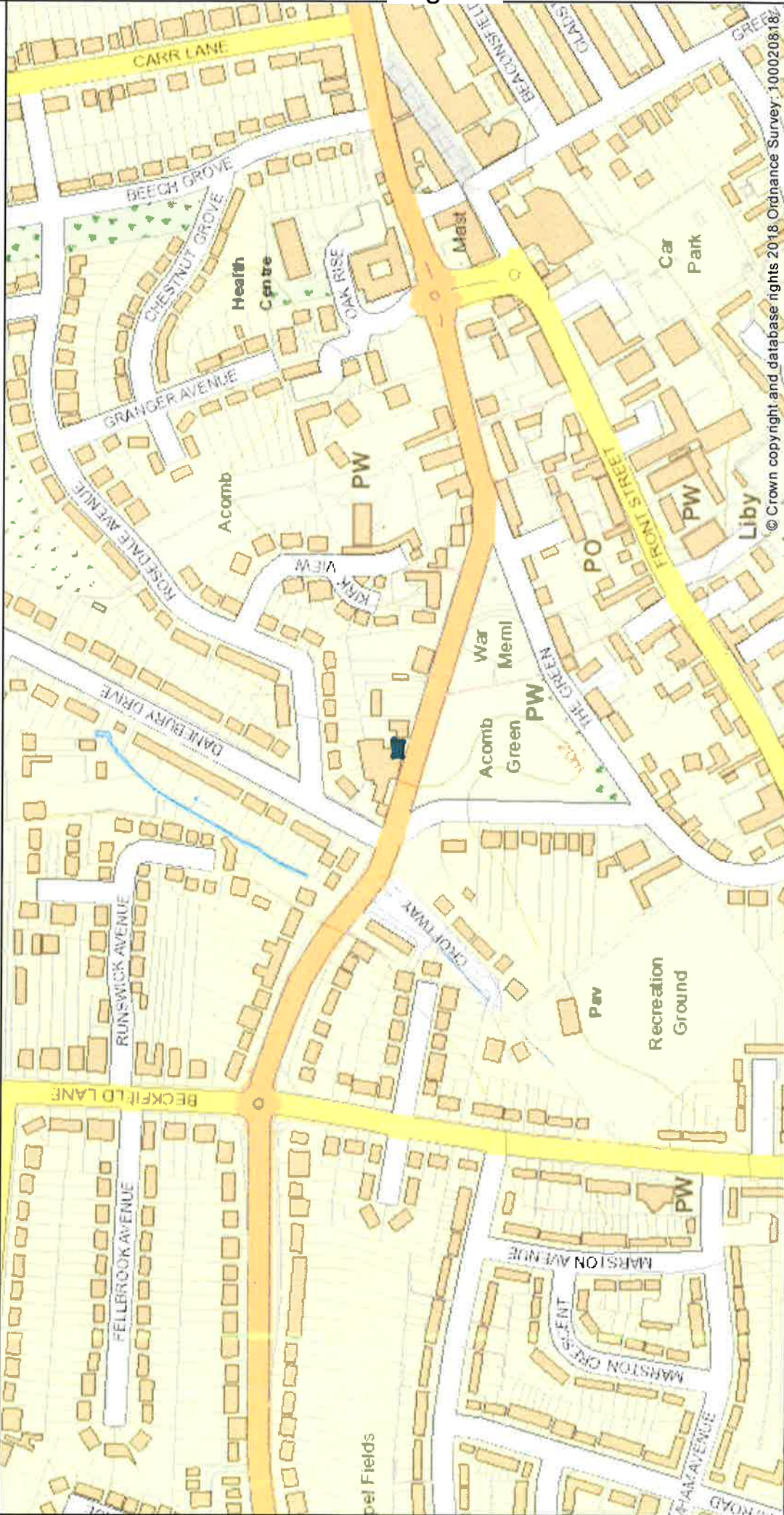
The reasons being:

- There is a pub next door which sells a selection of beers and alcoholic beverages. This will take away trade from them. (The Sun Inn)
- One minutes' walk up the hill is a second pub also selling a selection of alcoholic beverages. This will take away trade from them. (The Inn on the Green)
- Three minutes' walk away is an off license selling "300 different drinks from around the world" (Hop and Glory)
- Three minutes' walk is another pub which sells a large range of alcoholic drinks. This will take away trade from them. (The Marcia Grey)
- An Indian restaurant next door to Unit 3 sells alcohol. (The Indian Ocean)
- Another pub 12 minutes' walk away sells a large selection of alcohol. This will take away trade from them. (The Carlton Tavern)
- Another pub 15 minutes' walk away sells alcohol. This will take away trade from them. (The Ainsty)
- Another pub 15 minutes' walk away sells alcohol. This will take away trade from them. (The Green Tree)
- Opposite the proposed site is Acomb Green which has a children's play area and is often used by various groups for children's sporting activities such as football. To have yet another drinking establishment so close to children's facilities is a bad example and there is a concern that drinkers will infringe on a family area.
- If Crooked brewing Limited claim this will create more trade in the area then that is an issue as the green opposite the proposed site has an order on it that requires no drinking alcohol on it. This was put in place due to the problem of drunken behaviour in the area; another drinking establishment will only create more alcohol related issues.
- The area is a residential area with many families living close by. There are already disturbances from late night closing times as people travel home.
- Acomb does not need another alcohol related establishment and the inevitable alcohol related issues that will come with it.

Thank you

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Unit 3 Greenside House, The Green, Acomb, York



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Date: 10 Aug 2018

Author: City of York Council

Scale: 1:4,000

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

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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

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

7. The responsible person must ensure that –

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

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

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

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

MANDATORY CONDITION: ALCOHOL PRICING

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

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

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

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

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

where –

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

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

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

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

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

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

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

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

MANDATORY CONDITION: DOOR SUPERVISION

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

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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Legislation and Policy Considerations

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

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**ADDITIONAL
INFORMATION FROM
APPLICANT**

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LICENSING ACT 2003 SUB-COMMITTEE HEARING

ADDITIONAL INFORMATION (APPLICATION REF NO. CYC-061548)

Further to the Notice of the Licensing Hearing to be held on Thursday 30 August 2018 (the "Hearing") in respect of the application by Crooked Brewing Limited (the "Applicant") for a Premises Licence for Unit 3 of Greenside House, Acomb Green (the "Premises"), please find set out below additional information for consideration by the Sub-Committee as to how the Applicant will address the concerns expressed in the Representation dated 26th July 2018 (the "Representation") and for inclusion in the agenda for the Hearing.

The concerns raised are as follows:

1. A concern of reduced trade for existing establishments (points 1 - 8)

In this regard we believe that it is important to note that:

- Our intention is to deliberately sell brands that are not available in the local area, we consider this to be our unique selling point and central to our business, as such we see our business as complimentary to the existing establishments;
- As a community focused bar we would hope to contribute to creating a vibrant social meeting place for the residents of Acomb that increases trade for all the business in the area; and
- The above points would appear to be supported by the fact that:
 - There have been no objections to the Application from the establishments listed in the Representation; and
 - The proposal would appear to have the support of the Acomb Residents as evidenced by posts on Acomb Collective Facebook page.

2. A concern that the licensed premises would infringe on the family/children area associated with Acomb Green (point 9)

It is important to distinguish between the area's that customers are entitled to consume alcohol and those that they are not.

The purpose of the Premises Licence is specifically to ensure that alcohol is consumed in designated areas in a responsible and supervised manner.

As a licenced establishment we would have a responsibility to ensure that this is adhered to and in this regard key policies that we will implement are as follows:

- All alcohol that is open (on licence) is to be consumed on the Premises within the area designated by the Premises Licence;
- Any alcohol that is to be removed from the Premises (off licence) shall only be allowed to leave the Premises if it is in a sealed container;
- The chain link fence surrounding the terrace provides a clear boundary where alcohol can be consumed and where it cannot;
- Staff will be made aware of our responsibilities in this regard and ensure that alcohol is only consumed within the designated area;

- Any customers infringing on the area's outside of the designed area will be asked to cease such activities, failing which where appropriate the respective authorities will be notified;
- Our adherence to these procedures will be monitored by 24hr CCTV covering both the outside terrace and inside of the Premises and a log kept of any incidents.

Furthermore, it is important to note that we will be specifically targeting an adult market, as such the nature of our business should have no obvious appeal to an underage market, in support of this approach:

- We will not stock brands that appeal to a teenage market (such as Alcopops); and
- We will not support any irresponsible drinking promotions that might appeal to underage drinkers.

3. *A concern that an additional licensed premise will give rise to drunken behaviour/alcohol related incidents in the area (points 10 and 12)*

It is important to note that if the police or local authority are satisfied on reasonable grounds that:

- Our Premises has resulted or is likely to result in nuisance to members of the public; and/or
- That there has been or is likely to be disorder near the Premises which is associated with the Premises;

That a Closure Notice can be issued for the Premises, as such we have a vested interest in ensuring that we do not in any way contribute or promote such behaviour.

To this end key policies that we intend to implement are as follows:

- We will promote responsible drinking:
 - Our target market are mature customers 25 years old and over;
 - Our product, craft beer, is expensive relative to other beers and as such not a natural choice for excessive drinking;
 - The environment we will promote is one of a balanced social mix and not excessive drinking;
 - Our operating hours (trading ceasing at 11:30 with closure at 12:00) do not lend themselves late night/excessive drinking; and
 - Our location in a residential area does not lend itself to late night/excessive drinking;
- We will not sell alcohol to someone who is drunk;
- We will not allow persons who are drunken or disorderly to enter the Premises;
- 24hr CCTV will monitor our own Premises for such behaviour and ensure that we in no way contribute to such behaviour and a log will be kept of any incidents; and
- We intend to participate in community safe initiatives to prevent such behaviour, including:
 - Where appropriate reporting any such behaviour to the local authorities;
 - Liaising with the neighbourhood watch in motoring the area and reporting incidents; and
 - Participating in pub watch schemes.

Furthermore:

- We don't believe that an additional licensed premise will significantly increase availability of alcohol in the area or people who wish to consume alcohol in Acomb Green;
- It is significantly more likely that someone who is drinking alcohol in Acomb Green would have purchased the said alcohol from a nearby supermarket or off licence whose unique selling point is "bargain" rather than from one of the establishments surrounding Acomb Green; and
- As a local community bar, the clientele is likely to be from the community, and as such on the basis that they are known and socially accountable, are less likely to be disorderly in their own neighbourhood.

4. *A concern over disturbances from late night closing times (point 11)*

Given the location of Premises in a residential area this is a key concern and one which should be addressed by the following policies:

- Noise from the Premises
 - Our operating hours are consistent with adjacent business as such there should be no additional noise from after hours trading;
 - All trade related activities such as deliveries, moving bins etc are to be conducted during normal business hours;
 - Staff when closing up are to be instructed to do so quietly and in and in a manner that is respectful to local residents; and
 - Any music or other entertainment provided at the Premises is to be undertaken in a manner that is respectful to local residents;
- Noise from customers
 - Our operating hours are such that trading shall cease at 11:30 with the Premises closing at 12:00, allowing time for customers to finish their drinks and leave the Premises in a quiet and orderly manner;
 - Staff shall be instructed to ensure that customers leave the Premises in a quiet and orderly manner, and if such behaviour is creating a disturbance to ask the customers to be respectful of local residents;
 - Where noisy or anti-social behaviour persists, the staff where appropriate shall alert the local authorities and/or community support groups of any issues.
- Traffic

It is not anticipated that the licence shall give rise to a significant increase in after hours traffic:

- As a residential bar it is anticipated that customers will either walk to the Premises or catch public transport; and
- Drinking and driving is to be strongly discouraged.

In conclusion:

- Our business will encourage social responsibility in all aspects of its operation, this will include requesting customers respect the local community (of which they will be part); and
- The example we hope to set is that alcohol can be enjoyed responsibly and as part of a healthy social life, without any associated anti-social behaviour.

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