

## Licensing/Gambling Hearing

**To:** Councillors Lisle, Mason and Reid  
**Date:** Thursday, 13 December 2018  
**Time:** 10.00 am  
**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

#### 1. Chair

To elect a Member to act as Chair of the meeting.

#### 2. Introductions

#### 3. Declarations of Interest

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

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

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

#### 4. Minutes

To approve and sign the minutes of Licensing Hearing held on 30 August 2018.

#### 5. The Determination of an Application by Joseph Rowntree Housing Trust to Vary Premises [Section 35(3)(a)] in respect of Hartrigg Oaks, Haxby Road, New Earswick, YO32 4DY (CYC-009691) (Pages 13 – 84)

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
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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

Legal Services

Applicant

Representors

Press, Library.



## **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

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

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**6. Chair**

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

**7. Introductions**

**8. Declarations of Interest**

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

**9. Minutes**

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

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

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

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

1. The protection of children from harm

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

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

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

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

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

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

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

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

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

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

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

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

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for.

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

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

Option 4: Reject the application.

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

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

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

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

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

The Sub-Committee concluded that none of the points raised by the objector apart from the protection of children from harm fell within the four licensing objectives. The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached, which addressed the representation made in writing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representation, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Cllr S Lisle, Chair

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

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## Agenda Item

### Licensing Act 2003 Sub Committee

13 December 2018

Report of the Corporate Director of Economy and Place

### Section 35(3) (a) Application for the variation of a premises licence for Hartrigg Oaks, Haxby Road, New Earswick, York, YO32 4DY

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009691
3. Name of applicant: The Joseph Rowntree Housing Trust
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application as follows:
  - Permit the sale of alcohol to non-residents between 11:00 and 00:00
  - Remove embedded restrictions relating to statutory conditions and credit sales

Licensable Activities	Existing Hours	Proposed Hours
Sale of Alcohol (On the premises)	Unrestricted to residents and their bona fide guests	Retain unrestricted hours for residents  Permit the sale of alcohol for non-residents from Monday to Sunday 11:00 to Midnight
Opening Hours	No restrictions	No restrictions

## **Background**

6. A copy of the existing premises licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

## **Promotion of Licensing Objectives**

8. The applicant states that they seek to promote the licensing objectives as follows –

### **Licensing Objectives:**

#### General

- a) Hartrigg Oaks is a continuing care retirement community with an existing premises licence.
- b) We would like to hold events for both residents and non-residents which will include the sale of alcohol on the premises during these events.
- c) The Premises shall be under the supervision of the “Designated Premises Supervisor”. We are committed to responsible drinking.

#### The prevention of crime and disorder

- a) The target customers, location and events will combine to encourage moderate, responsible and social drinking during the managed events.
- b) Written procedures will be put in place and staff/resident volunteers will be trained to identify and address symptoms of drunkenness. Premises will be adequately monitored and supervised at all times.
- c) Notices will be displayed stating no alcohol is to be removed from the premises.
- d) CCTV is also in operation for entrances/exits and the site generally.

#### Public Safety

- a) Building Maintenance and safety:
  - Maximum occupancy levels will be set and managed by event organiser.
  - Adequate toilet facilities are provided for the prescribed occupancy level.
  - The Premises are adequately ventilated for the prescribed occupancy level.



- The Premises, fittings and apparatus is maintained in good order and in a safe condition.
- b) Cleaning:
- Cleaning schedules are prepared, adhered to and logged.
  - Staff are trained and supervised.
  - Commercial dishwashers are used to ensure glassware, crockery and cutlery is adequately cleaned and sanitised.
  - The overall Premises are maintained in a clean and tidy condition.
- c) Drinking and Driving:
- The Premises are located on a well serviced bus route providing a viable alternative to driving.
  - We respect attendees who choose not to drink and offer a reasonable range of products for those who are looking for alternatives to alcoholic beverages.
  - Customers will be made aware of the ABV of products.
  - Free potable water will be on offer.

The prevention of public nuisance

- a) Staff and visitors who depart late at night will conduct themselves in such a manner to avoid causing a disturbance.
- b) All deliveries and movement of bins/rubbish will take place between the hours of 09:00 to 17:00.
- c) Attendees will be invited to the Premises as part of the actual event, i.e. not open to non-invited guests.

The protection of children from harm

- a) Underage drinking:
- An age verification policy will be adopted to prevent the sale of alcohol to underage attendees.
  - All alcohol will be stored/dispensed in a manner that ensures that it can only be dispensed/consumed under supervision of staff/trained volunteers and is not accessible to children.
  - Children will only be permitted if accompanied and supervised by an invited attendee who is over the age of 18.

**Special Policy Consideration**

9. The premises is not located within the special policy area.

### **Consultation**

10. 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.
11. All procedural aspects of this application have been complied with.

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

12. We received representation from North Yorkshire Police on the grounds that the prevention of crime and disorder licensing objective would be undermined if the licence was granted under the terms applied for. However the representation has been withdrawn as the police and applicants have agreed to additional conditions. The conditions can be seen at Annex 3.

### **Summary of Representations made by other persons**

13. There were 2 representations received from other persons mainly on the grounds the prevention of public nuisance licensing objective will be undermined if the variation is granted. A list of the representors is attached at Annex 4. Copies of their representations are attached at Annex 5.
14. A map showing the general area around the venue is attached at Annex 6.
15. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **Planning Issues**

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

### **Options**

17. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision:-

18. Option 1: Grant the variation of the licence in the terms applied for.
19. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
20. 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.
21. Option 4: Reject the application.
22. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

### **Analysis**

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

### **Council Plan**

28. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## Implications

30.

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

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

## Recommendations

33. Members determine the application.  
Reason: To address the 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:**

Michael Slater  
Assistant Director Planning & Public Protection.

**Report  
Approved**



**Date** 29/11/18

## Specialist Implications Officer(s):

Head of Legal & Democratic Legal Services  
Ext: 1004

**Wards Affected:** Huntington/New Earswick

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

## Background Papers:

Annex 1 - Copy of existing premises licence

Annex 2 - Copy of application form

Annex 3 - Copy of agreed conditions from North Yorkshire Police

Annex 4 - List of representors

Annex 5 - Copy of representations

Annex 6 - Map of area

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy Considerations

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## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number  
CYC - 009691

Postal address of premises:

**Hartrigg Oaks  
New Earswick**

Post town: **York**

Post code: **YO32 4DS**

Telephone number: None

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

#### Licensable activities authorised by the licence:

Recorded Music  
Late Night Refreshment  
Supply of Alcohol

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

See Annex 1 – Embedded Restrictions

#### The Opening Hours of the Premises

No Restrictions

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

On the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Name: Joseph Rowntree Housing Trust

Address: The Homestead  
40 Water End  
York  
YO30 6WP

Telephone number: 01904 750700

Email address: None

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

Charity 210169

**Annex 1 – Mandatory conditions**

**MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL**

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence –
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
  - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –



- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

7. The responsible person must ensure that –

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

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

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

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

#### MANDATORY CONDITION - ALCOHOL PRICING

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

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

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

(b) “permitted price” is the price found by applying the formula –  $P = D + (D \times V)$

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

## **Embedded Restrictions**

### STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO 'RESIDENTIAL LICENCE'

#### Statutory Conditions

1. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

3. There shall be afforded in the premises, for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.

4. The licensed premises shall be bona fide used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.

Credit Sales

5. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal; or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices Licence.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

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

None

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

None

For and on behalf of  
The Director of  
Communities & Neighbourhoods

Date: 27/09/2005  
08/01/2016 (DPS Variation)

Licensing Services  
Hazel Court EcoDepot  
James Street, York  
YO10 3DS

Phone: 01904 551521  
Fax: 01904 551590  
Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

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Paying by bank

1635  
£546

leps 21/11  
Annex 2  
Press 07/11



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

**Application to vary a premises licence 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 Joseph Rowntree Housing Trust

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> CYC-009691
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Hartrigg Oaks Haxby Road New Earswick			
Post town	York	Postcode	YO324DS DY

Telephone number at premises (if any)	01904 750700
Non-domestic rateable value of premises	£

**Part 2 – Applicant details**

Daytime contact telephone number	01904 752214		
E-mail address (optional)	Ben.foster@jrht.org.uk		
Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect? DD MM YYYY  

+	+	+	+	+	+	+	+	+
---	---	---	---	---	---	---	---	---

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1. Retain existing unrestricted opening hours and unrestricted hours for the sale of alcohol for residents.
2. Permit the sale of alcohol to non-residents between 11.00 – 00.00.
3. Remove embedded restrictions relating to 'statutory conditions' and 'credit sales'.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) 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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur			<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 7)		
Fri					
Sat					
Sun					



## B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			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 (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Thur					
Fri			<u>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 7)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both -- please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><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></b> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 5)	
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					



J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11.00	00.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00	<u>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</u> (please read guidance note 7) New Years Eve Start at 11.00 finish 01.00		
Fri	11.00	00.00			
Sat	11.00	00.00			
Sun	11.00	00.00			

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 10).

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			<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 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
--

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

See Attached

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

See Attached

**c) Public safety**

See Attached

**d) The prevention of public nuisance**

See Attached

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

See Attached

## Appendix 1

### Licencing Objectives:

#### General

Hartrigg oaks is a continuing care retirement community with an existing premises licence.

We would like to hold events for both residents and non-residents which will include the sale of alcohol on the premises during these events.

The Premises shall be under the supervision of the "Designated Premises Supervisor". We are committed to responsible drinking.

#### The prevention of crime and disorder

The target customers, location and events will combine to encourage moderate, responsible and social drinking during the managed events.

Written procedures will be put in place and staff/resident volunteers will be trained to identify and address symptoms of drunkenness. Premises will be adequately monitored and supervised at all times.

Notices will be displayed stating no alcohol is to be removed from the premises.

CCTV is also in operation for entrances/exits and the site generally.

#### Public Safety

Building Maintenance and safety:

- Maximum occupancy levels will be set and managed by event organiser.
- Adequate toilet facilities are provided for the prescribed occupancy level.
- The Premises are adequately ventilated for the prescribed occupancy level.
- The Premises, fittings and apparatus is maintained in good order and in a safe condition.

Cleaning:

- Cleaning schedules are prepared, adhered to and logged.
- Staff are trained and supervised.
- Commercial dishwashers are used to ensure glassware, crockery and cutlery is adequately cleaned and sanitised.
- The overall Premises are maintained in a clean and tidy condition.

Drinking and Driving:

- The Premises are located on a well serviced bus route providing a viable alternative to driving.
- We respect attendees who choose not to drink and offer a reasonable range of products for those who are looking for alternatives to alcoholic beverages.
- Customers will be made aware of the ABV of products.
- Free potable water will be on offer.

The prevention of public nuisance

Staff and visitors who depart late at night will conduct themselves in such a manner to avoid causing a disturbance.

All deliveries and movement of bins/rubbish will take place between the hours of 09:00 to 17:00.

Attendees will be invited to the Premises as part of the actual event, i.e. not open to non-invited guests.

The protection of children from harm

Underage drinking:

An age verification policy will be adopted to prevent the sale of alcohol to underage attendees.

All alcohol will be stored/dispensed in a manner that ensures that it can only be dispensed/consumed under supervision of staff/trained volunteers and is not accessible to children.

Children will only be permitted if accompanied and supervised by an invited attendee who is over the age of 18.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**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.**

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	24.10.18
Capacity	Designated Premises Supervisor

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)</b>			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar



Police representation – agreed conditions

1. The premises shall be bona fide used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.
2. There shall be no admission into the venue to members of the public (ie non- residents) after 00:00hrs.
3. Alcohol shall not be sold or consumed except during permitted hours, but does not prohibit the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises.
4. CCTV will be installed with recording facilities, to cover the main entrance to the premises. Such recordings shall be retained for a period of 28 days and be made available within a reasonable time upon request by the police. The CCTV system must be capable of providing quality images of good evidential quality.

5. **Staff Training**

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;
- the licensing objectives;

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];

6. **Incident & Refusals Register**

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 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]

7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

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

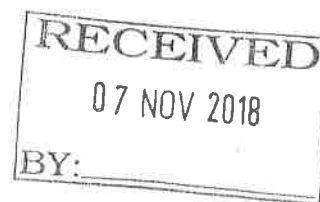
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Lucombe Way  
New Earswick,  
York YO32 4DS

6<sup>th</sup> November 2018

City of York Licensing Section,  
Hazel Court Eco depot,  
James St,  
York YO10 3DS



Dear Sirs,

Licensing application. Joseph Rowntree Housing Trust  
re: Hartrigg Oaks, Haxby Rd, New Earswick

I wish to object to the above application.

I have no objection in principle, but I object to the lateness of the proposed closing time. This Continuing Care Retirement Community has a number of frail and/or ill older people, some of whom live in close proximity to the central building in which alcohol would be served. If alcohol is served until midnight it will inevitably mean non-residents departing in the early hours of the morning, and this would impact on those sleeping, or trying to sleep, close by,

I am among a number of residents who feel a 10.00 p.m. cut-off would be plenty. This would still allow plenty of time for meals and drinks afterwards, but without disturbing other residents who are not involved.

The assurance given by the applicant that '*staff and visitors who depart late at night will conduct themselves in such a manner as to avoid causing a disturbance*' is meaningless, as there is no way the applicant can know that! Even cheerful 'Goodbyes' and slamming of car doors would be enough to disturb the early-hours peace people here need.

Yours faithfully,

J

From: edwell Close, Hartrigg Oaks, New Earswick, YO32 4DQ

---

21 November 2018

To:  
City of York Council Licensing Services,  
Hazel Court EcoDepot,  
James Street,  
York,  
YO10 3DS

Re: Application by Joseph Rowntree Housing Trust for Variation of Premises Licence at Hartrigg Oaks, Haxby Road, New Earswick, YO32 4DS  
Premises Licence: CTC-009691

The Licensing Authority is asked to consider the following objection to the application for a variation of the premises licence. The objection principally relates to the late hours proposed but also asks for additional assurance that the security of the building will be adequately controlled.

A number of residents have expressed concern that a variation extending the sale of alcohol to non-residents as late as midnight every day of the week is inappropriate for the character of this retirement community and care home.

**A finishing time of 22:00 hours in the evening would be more appropriate and acceptable.**  
The Licensing authority is asked to consider the proposed hours in the context of the following observations:

**Lack of public transport at the late hours proposed**

- No public transport is available at the time of night proposed in the variation. Only one bus route serves the immediate area. The last bus to York Station and beyond is scheduled for about 23:00. A later bus at about 23:30 runs the shorter distance to the Theatre Royal, and the last northbound bus is at about 23:35 to Wigginton.

**Risk of public nuisance at the late hours proposed**

- At the centre of the Hartrigg Oaks community is a Care Home, and the Licensed Premises are also surrounded by retirement bungalows. Extending the sale of alcohol to non-residents as late as midnight implies an intention to organise events ending at or later than this time. If this is not the intention then an earlier finishing time would be more appropriate. Although the application states that no disturbance will be caused, an earlier finishing time would mitigate the risk of disturbance to residents and others at midnight or later.

**Security of the building at late hours**

- The appendix to the application (prevention of public nuisance) states that events at which alcohol will be sold to non-residents will not be open to non-invited guests. A condition that non-residents being sold alcohol are at the premises as guests of residents would be helpful in terms of security and the avoidance of crime and disorder and public nuisance.
-

ANNEX 6



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**Date:** 23 Nov 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.

Amended 24/04/17



# **ADDITIONAL INFORMATION FROM APPLICANT**

**PLEASE NOTE THAT THE ENCLOSED LETTERS HAVE  
NOT HAVE NOT BEEN SUBMITTED AS SEPARATE  
REPRESENTATIONS TO THE LICENSING AUTHORITY.  
THEY HAVE BEEN SUMITTED BY THE APPLICANT AS  
EVIDENCE**

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Dear Sir/Madam.

I am a resident at Hartrigg Oaks and I am aware that an application to amend the current licence to serve alcohol has recently been submitted and that some opposition has been lodged with respect to this application. I am in support of this application for the licence and can't understand why any resident would oppose it. As I understand the procedure there are four main criteria that the Licensing Authority must take into account.

**Prevention of crime and disorder:**

Alcohol is on sale in the community restaurant to accompany meals. There are occasionally 'special event' meals where a bar is in operation. These events are usually over by 9.30 to 10.00 pm. Maybe one or two glasses of wine might be consumed by residents and a variety of soft drinks are also available. Discounting crime, because we all live here and don't want to spoil our surroundings, there has not been any disorder during the eight years I have lived here.

**Public Safety:**

As a community of aging residents we all look out for each other and Care Staff are always on hand if required. After 6.00 pm the building is locked and access is by an electronic key fob held by residents only.

**Protection of Children from Harm:**

In January 2018 the average age of the residents in their bungalows was 81 years old, the average in the Oaks Care Centre will be even higher. So hardly applicable.

**The prevention of public nuisance:**

As referred to above alcohol is on sale to enhance the sociability of the community when coming together for a regular meal or when special events have been organised. Special events held this year have included an 'Italian Night', a 'Curry Night', 'The Great British Pie Night'. All these events act to bring the community together in congenial, safe and pleasant surroundings our restaurant provides.

I am at a loss to understand on what grounds this licence can be opposed.

Yours Faithfully,

Hartrigg Oaks  
York  
YO32 4DL

New Earswick  
YORK  
Y032 4DW

23rd November 2018

Tel: 01094 767412

City of York Council,  
Licensing Services  
Hazel Street  
York  
Y010 3DS

**APPLICATION BY JOSEPH ROWNTREE HOUSING TRUST FOR A VARIATION OF A PREMISES LICENCE  
AT HARTRIGG OAKS, HAXBY ROAD, NEW EARSWICK, YORK**

I am writing as a resident of Hartrigg Oaks in support of the application for a full licence for the premises at Hartrigg Oaks, York.

Hartrigg Oaks is a retirement community, with ages ranging from 60 to 100. A responsible community where I have lived for over seven years, during which time I have never seen anyone the worse for drink.

The application is to enable our friends, relations and guests to purchase drinks when they join us for a meal or a special event taking place in the restaurant or coffee shop. The Centre is not open to the general public, the people invited are known to us and the special type events are usually organised once a month and are resident led.

There is no "off sales" at Hartrigg Oaks so there is no possibility of anyone purchasing alcohol to consume off the premises.

Drinks are either served by the staff at the table or at special events at a "pop up bar" which is staffed by approved residents.

The last sitting for dinner in the restaurant is 7.00 pm and the restaurant is usually empty by 9.30 pm even on special events nights. It is, therefore, highly unlikely that anyone would leave late at night causing a disturbance. In any case the staff and approved residents would not serve alcohol to anyone who has had too much to drink.

There has never been a problem with drunkenness, loud or disorderly behaviour and as far as I can see we conform totally to the licensing objectives and I would ask the Licensing Committee grant the application for a full licence.

Yours sincerely



E mail:

New Earswick,  
York YO32 4DR  
5 December 2018

City of York Council,  
Licensing Services  
Hazel Street  
York  
YO10 3DS

Dear Sir/Ms,

**APPLICATION BY JOSEPH ROWNTREE HOUSING TRUST FOR A VARIATION OF A PREMISES LICENCE AT HARTRIGG OAKS, HAXBY ROAD, NEW EARSWICK, YORK**

As a resident in a bungalow on the Hartrigg Oaks site, I am writing in support of the above variation for a license at our retirement community.

I have lived here for over 6 years. In that time alcohol has been served either by staff at table in the restaurant or by residents at a pop up bar. Alcohol has a very low profile here and I cannot see why, or how, there can be any objection to its wider availability during mealtimes and social events. Everyone is very considerate of each other's needs and should someone not wish to be near alcohol, there has, so far as I know, never been any problem.

There has certainly never been any kind of drunkenness, disorderly behaviour or risk to anyone. Only residents, their guests and visitors use the restaurant and so only those known people would ever be served alcohol. It is not open to the public, nor is alcohol given or sold for consumption other than in the restaurant.

This license is an asset to the community and something one would expect at this time. I trust the application will be successful.

Yours Faithfully,



New Earswick,  
York YO32 4DR  
5 December 2018

E mail:

City of York Council,  
Licensing Services  
Hazel Street  
York  
YO10 3DS

Dear Sir/Ms

**APPLICATION BY JOSEPH ROWNTREE HOUSING TRUST FOR A VARIATION OF A PREMISES LICENCE  
AT HARTRIGG OAKS, HAXBY ROAD, NEW EARSWICK, YORK**

I have been a resident at Hartrigg Oaks for six years and am writing in support of the licence application being applied for at Hartrigg Oaks. This is a retirement community whose residents are aged between 60 and 100+ years of age, all of whom are responsible and considerate people. By the time we get here we more than know the meaning of the word 'moderation'!

It seems to me that a licence which enables alcohol to be served to residents, their guests and visitors at meals or during social events is an entirely appropriate facility for such a community to have. I believe we have already proved that we are more than capable of managing this responsibly. There are no off sales and no intention to provide this facility. The centre is not open to the public. All our customers are known either as residents or their friends or guests.

Whilst some residents may not wish to avail themselves of it, a very large number do. The ability to serve alcohol need not affect those who do not wish to have it. Unruly behaviour, drunkenness or a risk to children have never, to my knowledge, been an issue here and I can not ever see the likelihood of these hazards being an issue here. Alcohol has been served here by staff at the table for some time, and more recently by residents at a pop up bar, and to my knowledge, has never ever presented a problem. Most activities end by 10.00pm or thereabouts.

I cannot imagine why objections can create an issue now when there has never been a situation where alcohol has been the cause of any kind of disturbance at Hartrigg Oakes. I do hope this licence can be granted as it infringes the rights of no-one, causes no risk to anyone and is entirely in keeping with the social and community life in the Hartrigg Oakes Community..

Yours Faithfully

**From:**  
**Sent:** 27 November 2018 18:09  
**To:** licensina@vork.gov.uk  
**Cc:**  
**Subject:** Hartrigg Oaks Licence

Dear Sir/Madam

I am writing in connection with the application for a variation to the licence for Hartrigg Oaks.

I understand that a small minority of residents here have complained about the variation. You have rightly asked for representations but, by definition, that means that you may not hear from the majority of residents who support the change. I thought it might be important to show that there is a silent majority who either support or have no problem with the variation.

I appreciate the grounds on which representations can be made and would comment as follows:

1. The average age of Hartrigg Oaks bungalow residents is 81. My perception is that those residents who drink alcohol do not have more than one glass when they come to the centre for a meal. I have lived here for 8 years and have never been aware of any drunkenness, public nuisance or risk to public safety caused by over-consumption. Nor has there been any crime and disorder for the same reasons. I see no reason why this should change under the variation.
2. The alcohol is served within a building that can only be accessed by a resident letting a non-resident in. It would be impossible for someone to come off the street and buy something to drink when the bar is functioning. I have never seen any children in the building in the evening. If any do come they are likely to be visiting elderly relatives. I see no reason why this should change under the variation.
3. I believe that the small minority of objectors includes some people who are probably hostile to the sale of any alcohol *per se* and are unhappy even at the current arrangement. I believe this is the true basis for their objection to the variation, not the details of the variation in themselves.

Yours faithfully

Hartrigg Oaks  
New Earswick  
York  
YO32 4DS

Sharon Brookes  
General manager  
Hartrigg Oaks  
New Earswick  
York

27 November 2018

Dear Sharon

**Licence Application.**

I realise that it is too late to submit comments about the recent application by JRHT to vary the licence, currently held, at Hartrigg Oaks but this might help to clarify the views of the Hartrigg Oaks Residents' Association. As you will no doubt recall the details were discussed at the recent meeting of the Association. Over 100 residents were present and the following minute refers to the outcome of the discussions.

- **Alcohol Licence Application:** A new licence was required, fundamentally to regularise the payment for alcoholic drinks by visitors to the Restaurant. Although strong concern was expressed from the floor about the implications, and suggestions made for special licences for special events or making 10.00pm the end limit rather than midnight, it was emphasised that the way visitors might arrive and depart in the future was not anticipated to deviate from past practice, it was a standard licence for which application was being made, and the Meeting did not press the issue.

This minute confirms that although there was some opposition to the application, the majority were content to support the application.

You may find this helpful when the licencing hearing takes place.

Kind Regards

Yours sincerely

Chair Hartrigg Oaks Residents' Committee



New Earswick  
YORK  
Y032 4DW

24th November 2018

City of York Council,  
Licensing Services  
Hazel Street  
York  
Y010 3DS

**APPLICATION BY JOSEPH ROWNTREE HOUSING TRUST FOR A VARIATION OF A  
PREMISES LICENCE AT HARTRIGG OAKS, HAXBY ROAD, NEW EARSWICK, YORK**

I am writing in support of the application by JRHT for a variation in the licence for the premises at Hartrigg Oaks, York.

I believe we are a responsible retirement community where we know our capacity for drink and do not get drunk.

The variation in the licence is to allow our guests to buy a drink. These are people we know and who we invite into our community for a meal or event where alcohol is served. The premises are not open to members of the public to come in and we do not permit the sale of alcohol to be consumed off the premises.

I see absolutely no problem with the application. We don't have any public nuisance through alcohol, no crime or disorder and there are no children living in this retirement community. The only people this proposed new licence will affect are residents and their guests and as we drink responsibly it will cause a nuisance to no-one. I would ask that this application for the Licence is granted.

Thank you.

Dear Sharon,

I am writing in support of JRHT Hartrigg Oaks application for a licence to serve alcohol. I have been involved in running the pop-up bar since its inception and I am now organising the staffing of this bar.

The pop-up bar has been operating for a year now and has served drinks on 19 occasions. The bar operates under the existing JRHT Hartrigg Oaks licence and provides alcoholic (bottled beers, spirits and wine) and non-alcoholic drinks (tonic water, carbonated and non-carbonated fruit drinks). It is staffed by unpaid volunteers and typically operates from the start of an event (5 – 7pm) until the end, or sometimes a point during, an ensuing meal. Events usually end by 9pm.

The products sold by the bar are provided by JRHT and all the money taken is returned to JRHT.

The clientele consists of Hartrigg Oaks residents and their guests, although the latter are relatively few in number. Hartrigg Oaks being a retirement community, the age of residents is over 60, with many in their 70s and 80s.

As expected from the facts that the level of individual purchases is low, and the age of residents as stated above, there have been no instances where there has been any sign of inebriation or under-age attempts to purchase alcohol. I am unaware of any crime associated with Hartrigg Oaks residents or their guests.

The only children who would be in the area of the bar will be the family members of residents. They are under the supervision of their relatives at all times.

By the nature of this private bar at a retirement home, the notion that it gives rise to any noise or disturbance is risible. There have been no occasions when this has occurred.

The proposed changes to the licence would not impact the operation of the pop-up bar, other than to allow external guests to directly purchase drinks from the bar rather than require such drinks to be purchased by residents – it would certainly not encourage any increase in the modest consumption by its clientele.

Yours Sincerely,

**From:**  
**Sent:** 02 December 2018 13:55  
**To:** Sharon Brookes  
**Subject:** Licence Application

Dear Sharon,

If I may do so through your good offices, I wish to state my support for the Licence Application.

I too would draw attention to the Residents' Association Meeting on November 5<sup>th</sup> attended by 107 people from our Community. Although concerns were strongly voiced from the floor by a few Residents, there was no sense that the Meeting supported opposition to the Application, as the Minute properly records. It was emphasised that the manner of visitors arriving and departing in the future was not anticipated to deviate from past practice.

Yours sincerely,

Secretary  
Hartrigg Oaks Residents' Association

**From:**  
**Sent:** 30 November 2018 15:54  
**To:** Sharon Brookes  
**Subject:** Liquor License

Dear Sharon -

I have just spoken with \_\_\_\_\_ who says the confusion about our liquor license continues.

Jon and I would like to speak out in support of Hartrigg Oaks having a liquor license. After 20 years of quiet living, I really don't think people are going to start getting drunk and making loud whoopee now, especially if we all know that it would disturb our neighbors.

We both think HO should be allowed to sell liquor on the basis that it is done now.

Thank you for all you do for us.

Best Wishes,

Hartrigg Oaks  
New Earswick  
York  
YO32 4DH  
1 Dec 18

Sharon Brookes  
General Manager  
Hartrigg Oaks

Dear Sharon,

**Application for a Drinks License for Hartrigg Oaks**

I write this in order to support the JRHT application for a license enabling the sale of alcohol to non-members of the Hartrigg Oaks community.

The current license enables only residents to purchase alcohol on the premises. It does not allow visitors to purchase alcohol for their own consumption. This does present difficulties when there are events organised that are open to relatives, friends and guests.

Alcohol is only available for general sale from a 'pop-up' bar or served by JRHT staff at the dining table. This bar is only present at events and times specified by the Hartrigg Oaks Residents Committee.

The bar is unlikely to be open after 10pm and then only for social drinking. The probability of any disturbance is extremely low to non-existent. Despite the availability for 24hr drinking with the existing license, there is no past record of any problems.

I hope that you will find this letter of support to the application to be helpful.

Yours sincerely,

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# **ADDITIONAL INFORMATION FROM REPRESENTOR**

**PLEASE NOTE THAT THE ENCLOSED LETTERS HAVE  
NOT HAVE NOT BEEN SUBMITTED AS SEPARATE  
REPRESENTATIONS TO THE LICENSING AUTHORITY.  
THEY HAVE BEEN SUMITTED BY A REPRESENTOR AS  
EVIDENCE**

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From: [redacted], [redacted] Cross, Hartrigg Oaks, [redacted]

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5 December 2018

To:  
City of York Council Licensing Services,  
Hazel Court EcoDepot,  
James Street,  
York,  
YO10 3DS

Sub-Committee Hearing on 13 December 2018

Application by Joseph Rowntree Housing Trust for Variation of Premises Licence at Hartrigg Oaks,  
Haxby Road, New Earswick, YO32 4DY  
Premises Licence: CYC-009691

The Sub-Committee is requested to take into account the following documents submitted in support of the representations:

- 1) Letter of support from [redacted] and [redacted]
  - 2) Statment of support from [redacted]
  - 3) Letter of support from [redacted] (sent direct to York Council)
-



New Earswick,  
York YO32 4DG

4th December 2018

New Earswick,  
York

Dear

Licensing application. Joseph Rowntree Housing Trust

Re: Hartrigg Oaks, Haxby Road, New Earswick

We would wish to support your objection to the Licensing application.

We have a concern about this application. We understand that the Trust wishes to have the option to provide alcohol until 12 midnight. This is a residential community. There are houses just outside who have elderly and frail residents including 2 residents who are blind. The building itself is the home to 40+ residents who are receiving extra or nursing care with only a small staff on duty to deal with any problem during the evening and night. Noise both inside the building and outside would be quite frightening to many of these residents, and sadly, people who have imbibed alcohol are not always in control of what they do. We think that a cut off time of 9.30pm or 10pm is quite late enough. We eat here in the evenings and staff have gone by 8.30pm and most residents have left the building by 9.30pm.

In principle we have no objection to alcohol being available for residents and guests but we are concerned that the Trust possibly have plans to open the restaurant facility to outside people with no connection to people who live here. If that is the case, then it seems a great move on the part of the Trust to allow alcohol to be sold in their premises to people who cannot buy it within the village and have to go outside New Earswick to drink. We have always respected Quaker principles of not encouraging people to drink to excess which we fear could happen here. It is not a pub. It is not even really a restaurant as you picture restaurants are – open to anyone, non-booking in advance with drinks available as and when.

If the Trust is looking to regularise the license requirements for residents and guests that is fine but we do think alcohol should not be available after 9.30pm or at the very latest 10pm. We came to live in a retirement community and not next to the proverbial "Dog and Duck".

Yours faithfully,

\* \* \* \* \* and



Hartrigg Oaks,

York, YO32 4DS

5 December 2018

**Re: Objections to Alcohol Licence Application by Joseph Rowntree Housing Trust for Variation of Premises Licence at Hartrigg Oaks, Haxby Road, New Earswick, YO32 4DY - Premises Licence: CYC-009691**

I write for elderly residents who object to the application to vary the Alcohol Licence applying to the Restaurant in The Oaks Centre, Hartrigg Oaks, Lucombe Way, New Earswick, York YO32 4DY.

The Licensing Authority should be asked to only grant an Alcohol Licence which is appropriate for our Community. This means:-

1. To specify that alcohol availability hours are to be only from 6.00pm to 10.00pm Monday to Saturday evenings, with no provision on Sunday evenings. An Extension from 12.30pm to 2.00pm on Sundays and Public Holidays may be granted on request. No other Extensions may be granted.
2. To require that alcohol is to be provided for sale only via table service in our Restaurant, as an accompaniment to the meal, and only when the meal being purchased is being consumed.
3. To provide the Alcohol Licence only for the use of Hartrigg Oaks Residents, plus their visiting family, friends and guests, when in their continued presence. We do invite guests to dine with us, from our local and other known communities, but they must at all times be accompanied by their resident Hosts. Alcohol sale and consumption to be restricted to these categories of non-resident.

These three sets of clear limits do fit and will sustain our Continuing Care Retirement Community's nature and circumstances. They are widely supported in our elderly, peace-and-quiet loving, Community. *This is because they will continue to prevent noise, disturbance and risk of upset to our frail, elderly residents. They reflect the actual practice here since we opened 20 years ago. They work.* There will be a risk of greater public nuisance from the proposals in the application.

Whatever are we? Hartrigg Oaks is a 200+ member Continuing Care Retirement Community: the UK's first one, in fact. The average age of our Community's residents is 80: the oldest is over 100. Over half of us are in our later life stages of frailty, with disabilities of various kinds. We each pay a considerable sum to come and live in this Community: a large part of its attraction is the peace of mind and tranquillity of lifestyle which our Community provides. That we all want sustained.

Hartrigg Oaks is not a Bar, a Pub, a Club, an Entertainment Venue, a Restaurant, a Hotel. The Oaks Centre, our core building, contains our Nursing and Personal Care Home, as well as our Restaurant and our other communal facilities. Our facilities, including our Restaurant, are for Hartrigg Oaks Residents only, plus their visiting family and friends, plus also their guests, who must always be in the presence of their hosts. Hartrigg is not a public access Club, Dining or Entertainment facility.

Our Continuing Care Retirement Community was founded 20 years ago this year: it has never had a Bar. This feature of ours is a significant one in the marketplace of Retirement Communities. We want to keep it that way: there is other provision for those retirees who want their social life to centre upon alcohol consumption.

In our Community, social life is centred on resident led activities of many kinds, with 40+ resident led groups providing its core. We do not need alcohol provision beyond the limits specified above.

Instead, we ask for the Licensing Authority's help to sustain our Continuing Care Retirement Community's quiet, relaxed, undisturbed and friendly ways. This can be done by not permitting the requested greater provision of, or opportunity for, alcohol for sale and consumption at Hartrigg Oaks.

This statement is in support of the Objection Letters already sent concerning the Hartrigg Oaks Licence Application. Others too object, but feel too old to write.

Sadly, I cannot attend the hearing on Thursday 13 December at 10.00am, due to a Medical Appointment that morning with Mr Carrington, Surgeon at York Hospital. I am very willing to appear and be questioned as a witness to the Objections at another time.