



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

To: Councillors Hook, Norman and Pearson

Date: Thursday, 22 August 2019

Time: 10.00 am

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

AGENDA

1. **Chair** (Pages 1 - 6)
To elect a Member to act as Chair of the meeting.
2. **Introductions**
3. **Declarations of Interest**
At this point in the meeting, Members are asked to declare:
 - any personal interests not included on the Register of Interests
 - any prejudicial interests or
 - any disclosable pecuniary interestswhich they may have in respect of business on this agenda.
4. **Exclusion of Press and Public**
To consider excluding the press and public from the meeting during consideration of the following:
 - a) Annex 5 to Agenda Item 5, on the grounds that it contains information relating an individual, information which is likely to reveal the identity of an individual, and information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - b) North Yorkshire Police Additional Information (pages 159-172), on the grounds that it contains information relating an individual and information which is likely to reveal the identity of an individual.

This information is classed as exempt under paragraphs 1, 2 and 3 respectively of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

5. The Determination of an Application by Playhouse Bar Ltd for a Premises Licence [Section 18(3)(a)] in respect of Playhouse, 2 Cumberland Street, York, YO1 9SW (CYC - 064645) (Pages 7 - 172)

Democracy Officer:

Name: Angela Bielby

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Library.

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LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure adopted at the licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below-

The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. 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. No matter how strong local opinion may be, Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. 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.

In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Licensing Authority is unable to enter into discussions to identify dates convenient to all parties concerned. In

exceptional circumstances, the Licensing Authority will consider applications to hold hearings at a later date.

Representations at Licensing Hearings

The Applicant may speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. 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 and question each other. **Each party will have 10 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.**

For the avoidance of doubt, if there is more than one individual making representations either for or against an application, this is classed as one party and consideration should be given to nominating a spokesperson. If necessary, the 10 minutes may be divided up between a number of people.

The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations 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. 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 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 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 their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.

Any person behaving in a disruptive manner will be asked to leave the hearing.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.

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 called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will ask if this procedure document has been read and understood by all parties and clarify if necessary.
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 and gives an update on any recent changes.
7. The Chair will invite all present to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Applicant (or their representative) will present their case and may call any witnesses to support their case *[maximum 10 minutes]*.
9. The Chair will invite the Representors to ask questions of the Applicant in the following order *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
10. The Chair will invite the Committee Members to ask questions of the Applicant
11. The Chair will invite the Representors 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 10 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
12. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
13. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
14. 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

15. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
16. 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 on law and jurisdiction.
17. 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

18. 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.
19. 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. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. 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.

20. If the decision has been made, all the parties will be invited back into the committee room by the Democratic Services Officer. The Chair will announce the decision including details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) within 5 working days of the hearing. There can be no further questions or statements.
21. 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 5 working days of the decision being made.
22. The notification will include information about the rights of appeal against the determination made.



Licensing Act 2003 Sub Committee

22 August 2019

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Playhouse, 2 Cumberland Street, York, YO1 9SW

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-064645
3. Name of applicant: Playhouse Bar Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Live Music (indoors)	Monday to Sunday 12:00 – 23:00
Recorded Music (indoors)	Monday to Sunday 11:00 to 02:00
Performance of Dance (indoors)	Monday to Sunday 11:00 – 02:00
Late Night Refreshment (indoors and outdoors)	Monday to Sunday 23:00 to 02:00
Sale of alcohol (on & off sales)	Monday to Sunday 11:00 to 02:00
Opening times	Monday to Sunday 11:00 to 02:30
Non-Standard Timings for all licensable activities	An additional hour on New Year's Eve and bank holiday Sundays

Background

6. A copy of the application is attached at Annex 1. A copy of the plan of the premises is attached at Annex 2.
7. This premises was previously licensed as a restaurant, most recently known as the Cat's Pyjama's. The premises licence holder was declared insolvent in March 2019.
8. Under Section 27 of the Licensing Act 2003, a premises licence lapses if the holder of the licence becomes insolvent.

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
10. General
 - a. Playhouse are fully aware of the licensing objectives and their responsibilities of upholding these.
11. The prevention of crime and disorder
 - a. A full colour CCTV system is installed and recording available upon request.
 - b. Door supervisors are provided Mon to Sun and are SIA licensed; Mon to Thurs they will be on duty from 22:00 to close and Fri/Sat from 12:00 until close, Sun from 22:00 until close apart from Bank Holidays when they will be on duty 12:00 until close
13. Public Safety
 - a. A full fire risk assessment has been carried out and a safe occupancy figure given under the regulatory reform fire safety order.
14. The Prevention of Public Nuisance
 - a. From 23:00 all windows and doors will be kept closed apart from egress and ingress.
 - b. Signage will be provided asking customers to respect neighbours and leave quietly.

- c. Staff and door supervisors will direct customers to the nearest taxi rank across the road

15. The protection of children from harm

- a. Families will be welcome in the restaurant with children's menus provided, table tennis and games specifically tailored to under 16's.
- b. All proof of ID will be requested from any person who appears to be under the age of 25 years.

Special Policy Consideration

16. This premises is located within the cumulative impact assessment area approved by full council on 21 March 2019. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4.

Consultation

17. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
18. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

19. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
20. The Police representation is attached at Annex 5.

21. City of York Licensing Authority has made a representation on the grounds that the granting of this application would undermine the licensing objectives of both prevention of crime and disorder and prevention of public nuisance. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
22. The Licensing Authority representation is attached at Annex 6.
23. City of York Council Public Protection (Environmental Protection) has made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence was to be granted in the terms applied for. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA.
24. The Public Protection representation is attached at Annex 7.

Summary of Representations made by Other Parties

25. There has been one relevant representations received from other persons. The list of representors can be seen at Annex 8.
26. The representation is based on the grounds of the prevention of public nuisance and the prevention of crime and disorder and can be seen at Annex 9.
27. A map showing the general area around the venue is attached at Annex 10.

Planning Issues

28. This premises has A3 planning usage to be a restaurant/cafe, and has recently (June 2019) received B1 usage to be offices.

Options

29. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
30. Option 1: Grant the licence in the terms applied for.
31. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.

32. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
33. Option 4: Reject the application.

Analysis

34. The following could be the result of any decision made this Sub Committee:-
35. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
36. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
37. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
38. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

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

Implications

41.
 - **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

42. 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.
43. 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

44. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

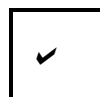
Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public
Protection.

**Report
Approved**

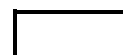


12/08/2019

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - Cumulative Impact Assessment
- Annex 4** - Section 9 – Cumulative Impact
- Annex 5** - North Yorkshire Police Representation
- Annex 6** - Licensing Authority Representation
- Annex 7** - EPU Representation
- Annex 8** - List of Representors
- Annex 9** - Other Person Representation
- Annex 10** - Map of area
- Annex 11** - Mandatory Conditions
- Annex 12** - Legislation and Policy Considerations

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CYC 064645



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We PLAY HOUSE

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
2 LUMBERLAND STREET			
Post town	YORK	Postcode	YO1 9SW
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 52500	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual * please complete section (B)
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see					

note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name	PLAY HOUSE BAR LTD.
Address	2 Cumberland street York YO1 9SW
Registered number (where applicable)	11964462.

Description of applicant (for example, partnership, company, unincorporated association etc.) <p style="text-align: center;">private LTO</p>
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	08	2019

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

DD	MM	YYYY

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

THE PREMISES IS RUN AS A GAMES RESTAURANT
SERVING FOOD FROM 12 - 10.30 PM.
POOL TABLE & TABLE TENNIS ARE PROVIDED
FOR CUSTOMERS.

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 5) AN ADDITIONAL ONE HOURS FOR BANK HOLIDAY SUNDAYS & NEW YEARS EVE		
Thur	12:00	23:00			
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12.00	02.00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11.00	02.00			
Wed	11.00	02.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) AN ADDITIONAL ONE HOUR FOR NEW YEARS EVE & BANK HOLIDAY SUNDAYS		
Thur	11.00	02.00			
Fri	11.00	02.00	<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 6)		
Sat	11.00	02.00			
Sun	11.00	02.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors
Day	Start	Finish		Outdoors
Mon	11.00	02.00	Please give further details here (please read guidance note 4)	<input checked="" type="checkbox"/>
Tue	11.00	02.00		<input type="checkbox"/>
Wed	11.00	02.00	State any seasonal variations for the performance of dance (please read guidance note 5) AN ADDITIONAL ONE HOUR FOR NEW YEARS EVE & BANK HOLIDAYS SUNDAYS	<input type="checkbox"/>
Thur	11.00	02.00		<input type="checkbox"/>
Fri	11.00	02.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)	<input type="checkbox"/>
Sat	11.00	02.00		<input type="checkbox"/>
Sun	11.00	02.00		<input type="checkbox"/>

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	02.00	<u>Please give further details here</u> (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	23.00	02.00			
Wed	23.00	02.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) AN ADDITIONAL ONE HOUR FOR NEW YEARS EVE & BANK HOLIDAY SUPPLUS		
Thur	23.00	02.00			
Fri	23.00	02.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	02.00			
Sun	23.00	02.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) An additional one hour for bank holiday sundays and new years eve.		
Mon	11.00	02.00			
Tue	11.00	02.00			
Wed	11.00	02.00			
Thur	11.00	02.00			
Fri	11.00	02.00			
Sat	11.00	02.00			
Sun	11.00	02.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name	Ben William Ramsar RAMSAR JLS
Date of birth	
Address	
Postcode	
Personal licence number (if known)	CYC050453
Issuing licensing authority (if known)	YORK

K

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

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p> <p>AN ADDITIONAL ONE HOUR FOR NEW YEARS EVE & BANK HOLIDAY SUNDAYS.</p>
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Mon	11.00	02.30	
Tue	11.00	02.30	
Wed	11.00	02.30	
Thur	11.00	02.30	
Fri	11.00	02.30	
Sat	11.00	02.30	
Sun	11.00	02.30	

M

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

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

Playhouse are fully aware of the licensing objectives and their responsibilities of holding these, which is why they are providing high levels of CCTV, door supervision & safety to ensure their establishment maintains the premises in which they are fully aware & proud of

b) The prevention of crime and disorder

A full door CCTV system is installed and recordings are available on request.
Door supervisors are provided Monday - Sunday and are SIA registered. Mond - Thurs from 22:00 hrs to close and Friday - Sat - from 12:00 hrs - to close and Sun 22:00 hrs to close apart from Bank Holiday 12:00 - close

c) Public safety

A full fire risk Assessment has been carried out and a safe occupancy given under the regulatory regime fire safety order.

d) The prevention of public nuisance

From 23:00 hrs All windows doors will be close apart from ingress & egress. Signage will be provided asking customer to respect neighbours and leave quietly. Staff & door supervisors will direct customers to the nearest taxi rank across the road.

e) The protection of children from harm

Families are very welcome in the restaurant with childrens menus provided and hot air balloons, table tennis and games specifically tailored for under 16. All proof of ID will be requested from anyone who appears to be under age of 25 years.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	

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

Signature	
Date	1. JULY 2019
Capacity	AGENT.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Hilary Ramli 620 LOW PETERGATE			
Post town	YORK	Postcode	YO174JZ
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

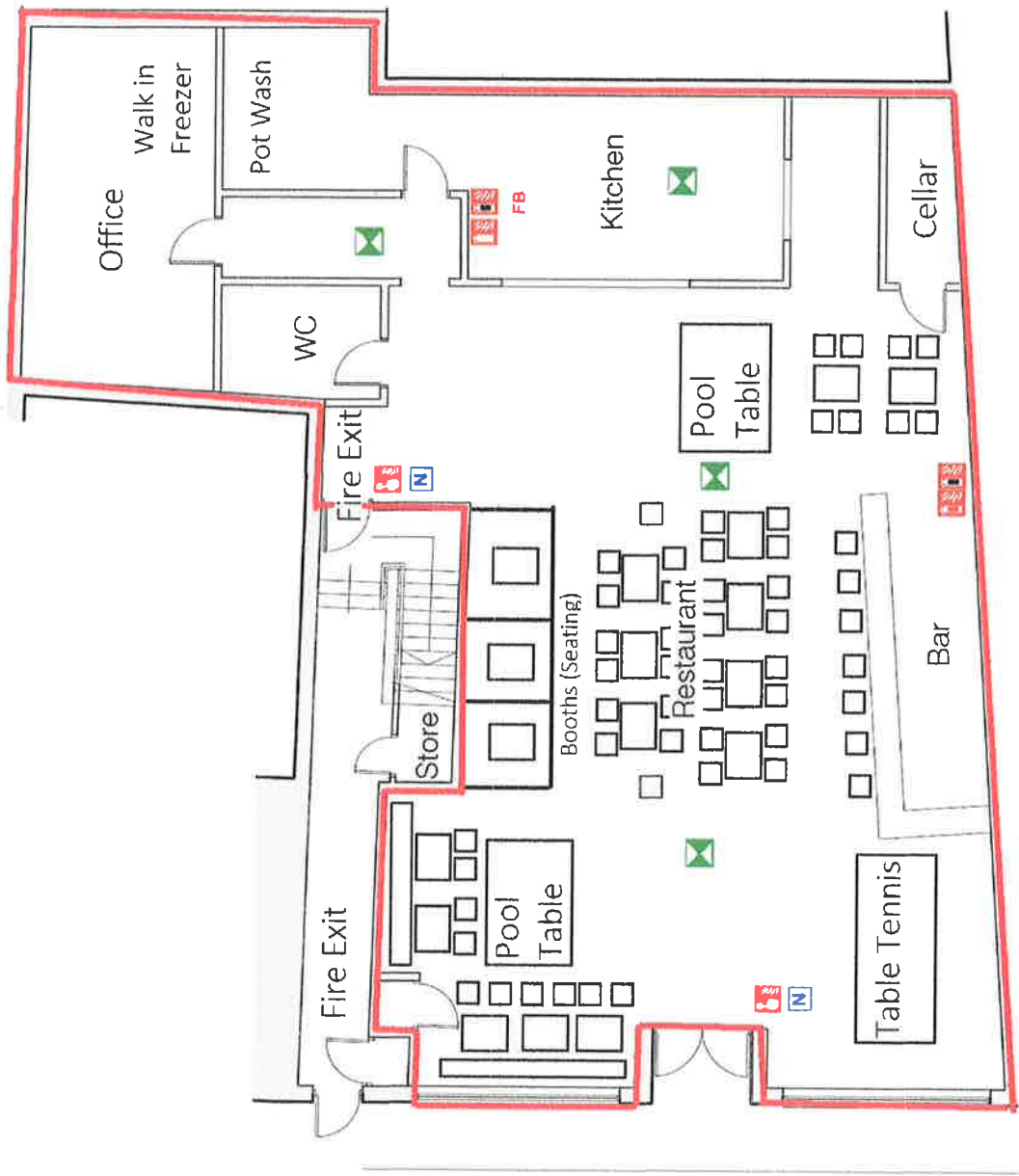
RAMLI FIRE LTD
 Tel 07736321387
 ramlifireconsultancy@ramlifire.co.uk
 www.ramlifire.co.uk

OPEN YOUR EYES
 TO THE SAFETY

2 Cumberland Street
York

-  Extinguisher - water
-  Extinguisher - foam
-  Extinguisher - carbon dioxide
-  Fire blanket
-  Manual break glass point
-  Emergency light
-  Notice - fire action

 Licensed Area
 240 m²



Cumberland Street

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Cumulative Impact

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
2. Relevant authorisations means:
 - premises licence
 - club premises certificate
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

5. As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
6. As required by the Act the Council has formally consulted on the assessment.
7. By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of

Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

8. Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
9. Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
10. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.
11. The Statement of Licensing Policy and Cumulative Impact Assessment were approved by the City of York on the 21 March 2019.

Cumulative Impact Area

12. The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
 - prevention of crime and disorder
 - prevention of public nuisance
13. North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
 - drink led premises – pubs, bars, nightclubs and restaurants/cafes;
 - entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
 - late night refreshment premises – takeaways; and
 - off licence premises – supermarkets and convenience stores.
14. A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.

9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
 - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.

- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.
- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

Cumulative Impact Area

- 9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and

other businesses and therefore adversely affecting the promotion of the licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance

9.12 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
- entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores.

9.13 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.

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Sefton, Helen

From: Bolland, Samantha
Sent: 02 August 2019 12:21
To: licensing@york.gov.uk
Cc: Sefton, Helen; Woodhead, Nigel
Subject: Representation and supporting documents for Play House. 2 Cumberland Street, York
Attachments: HLS Playhouse signed statement.pdf; Exhibits HLS.pdf; NYP REP - PLAY HOUSE.pdf; REP ANNEX LIST - Play House.pdf; MG11 - PC 1520 & Exhibits list.pdf

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

Good afternoon

Please find attached the formal representation from North Yorkshire Police in relation to the premises licence application for Play House, 2 Cumberland Street, York.

Please acknowledge receipt.

Kind regards

**Samantha Bolland PC 1520
York Police Licensing Officer
Police Licensing Unit
Partnership Hub**

"Committed to the code of ethics"

Work mobile :

Web: www.northyorkshire.police.uk

Twitter: @NYPAlcohol_Lic

.....
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expressed in this document may not be official policy.

Thank you for your co-operation.
.....

NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003



North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises:

Play House
2 Cumberland Street

Post town: York

Post code (if known): YO1 9SW

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:
(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to a new premises licence in respect of a Games Restaurant in York's Cumulative Impact Area (CIA).

The Council's current Statement of Licensing Policy, which was adopted in March 2019 and is effective until March 2024, undertook a review of the Cumulative Impact Area which has resulted in a Red Zone Area being identified. Paragraph 9.14 of the Policy refers to this Red Zone and states that "The council should refuse all applications within the red zone (in which Play House is located) where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of Licensed Premises in this zone".

Furthermore, the Council's Cumulative Impact Assessment 2018 states:

"This cumulative impact area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

Prevention of Crime and Disorder

Prevention of Public Nuisance"

North Yorkshire Police object to the application for this Premises Licence as it is believed another Licensed Premises in the CIA area would have a detrimental effect on Crime and Disorder in an area already experiencing high levels of Crime and Anti-social Behaviour.

The Section 182 Guidance of the Licensing Act 2003 paragraph 9.12 states the following:-

"the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective."

Following on from this, the Police would ask members of the Committee to consider the below concerns pertaining to this application in making their determination:

On 8th July 2019 North Yorkshire Police received a new premise grant application and three Temporary Event Notices (TENs) for Play House, 2 Cumberland Street, York. The agent for the application, Hilary Ramli, was emailed and the police received an out of office notification stating that Hilary Ramli was out of the office until after 5th August 2019, the end of representations consultation period.

PC 1520 Samantha Bolland was allocated the application and upon reading opening hours for the venue that the TENs, wanted to operate until 02:30 hours. PC Bolland spoke with [redacted] the person detailed on the TENs as the premises user, in relation to drawing back the hours from 02:30 to 22:30 due to the fact the premises sits within the red area of the CIA and the premises was described in the premises licence application as a "Games Restaurant". The description on the TENs stated that it was a "Games bar and restaurant" – (Annex 1)

North Yorkshire Police were concerned with the terminal hour of 02:30 on a TEN which has no Premise Licence Conditions attached which are enforceable to mitigate any risk of Crime and Disorder in the Cumulative Impact Area. The applicant was contacted in respect of this and [redacted] agreed to pull all the opening hours for all TENs back to 22:30 hours, reducing the risk into the Night Time Economy of any alcohol fuelled disorder.

[redacted] owner / silent investor, contacted PC Bolland directly and stated that as the agent was uncontactable during the consultation period, he would like to meet and discuss the application further. PC Bolland stated that she would like to meet and discuss restaurant conditions and inspect the premises, to which [redacted] asked why Police were seeking restaurant conditions. PC Bolland explained the application described the business as a "Games restaurant" but had a terminal hour of 02:30 hours which was uncommon for a restaurant, and no food served after 22:30 hours. [redacted] stated that the concept had been fully explained to the agent as a games bar / restaurant and he believed the application description was misleading. He stated that the business wasn't viable unless it operated as a bar / restaurant and opened until 02:30 hours. Please see full statement of PC Bolland detailing her involvement/contact with parties associated with the application. (Annex 2)

As a result of information provided to PC Bolland by [redacted], City of York Planning department were contacted and planning officer [redacted] visited the premises to advise about the permitted use of the Premises as a restaurant. Please see email (Annex 3).

As a result of the conversation between PC Bolland and [redacted], alongside the social media coverage relating to the Premises (Annex 4) and the posters in the Premises Window advertising it as York's Number 1 Fun Bar (Annex 5), the Police have concerns that the premises intend to operate predominately as a bar serving food as ancillary to the sale of alcohol.

On Thursday 25th July 2019 an email was received from the agent Hilary Ramli on behalf the applicants sent to Sergeant Jackie Booth North Yorkshire Police Force Licensing Manager (Annex 6).

As a result of contact from the agent, the police entered into negotiations with the agent to offer conditions consistent with a restaurant style model and asked for the hours to be drawn back and for all Licensable activities to cease at

2300hrs. The agent stated in her reply:-

"Firstly What is the reason for suggesting all licensable activities cease at 23:00 hrs? This is actually not a legal condition to attached to this licence, there are no grounds for it." – (Annex 6)

I would refer members of the committee to your own statement of Licensing policy, paragraph 7.12 which states:-

"Applicants should consider the following measures to address disturbance and nuisance:

- hours of operations - the tolerance to disturbance is likely to be reduced at certain times of day. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbances during the night-time hours of between 11:00pm and 7:00am".

The conditions within the operating schedule appear basic and are not tailored to counter the problems associated with York city centre, more specifically, they do not deal with how they seek to promote the licensing objectives within the CIA in line with the licensing policy.

Paragraph 9.13 of the Statement of Licensing Policy states:

"North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- drink led premises - pubs, bars, nightclubs and restaurant / cafes ;
- entertainment premises - pubs, bars , nightclubs providing entertainment, especially late night into the early hours of the morning;
- late night refreshment premises - takeaways; and
- off licence premises - supermarkets and convenience stores.

North Yorkshire Police believe that this premise will have a negative impact as it is adding another drinking establishment to York's CIA which is already subject to multi-agency initiatives, set-up to tackle York's current issues within the city's day and night-time economy.

The applicant has not provided any information as to why this application should be considered to be an exception to the CIA policy and the applicant should demonstrate specifically how, if they are to be issued a premises licence within the CIA, they would actively promote the licensing objectives. Until this is demonstrated, the Licensing Policy advises that any application for an alcohol licence should be rejected.

The location of the premises is on Cumberland Street. The premise previously operated as a restaurant and was granted in September 2005, within the previous CIZ area (introduced in April 2005), and had a terminal hour on all licensable activities until 4am. However, the conditions attached to the previous licence only permitted alcohol ancillary to a meal and the operation of the premise could not be changed from that of a restaurant due to its location within a CIZ, to prevent vertical drinking and so the premise would not impact on the night time economy.

North Yorkshire Police received notification from the Licensing Authority that the previous licence had lapsed on 25th March 2019, hence the need for a new application to be submitted.

The applicant seeks to allow all licensable activities until 02:00 hours and opening hours until 02:30 hours daily. On the application it states food will be offered between 12:00 hours - 22:30 hours, which is common for vertical drinking establishments, but it is uncommon for a restaurant.

Following the negotiations with the agent, food was offered to be served until 0200hrs.

In PC Bolland's discussions with _____ he asked "What would constitute substantial food, Nuts, Crisps on

tables or people sharing a Pizza?". North Yorkshire Police do not constitute this as substantial food for a Restaurant and believe that the applicants would offer Takeaway style food as ancillary to the supply of alcohol. commented to PC Bolland that unless the Premises could operate as a Bar/Restaurant where people could just have a drink while playing games and the premises could remain open until 0230hrs it would not be financially viable- See PC 1520 Bolland's statement (Annex 2)

The applicant has also applied for an extension of 1 hour on all Bank Holiday Sundays and New Year's Eve, which would mean all licensable activities would cease at 03:00 hours and the premises would close at 03:30 hours. Again this does not reflect the operating schedule of a restaurant.

The applicant has stated within the application that this venue is a family-friendly restaurant, with kids menus available and games tailored specifically for under 16 year olds (Section M part e). However, the proposed opening hours until 02:30 hours, combined with the applicant's website advertising DJ nights, Thursday through to Sundays from 7PM til late, (Annex 4), do not support this description. DJ events, invariably, are vertical drinking events mainly associated with nightclubs and late night opening venues. This does not reflect a venue which is purporting to be a family-friendly restaurant and is ultimately undermining the licensing objective of the Protection of children from harm.

Members of the Committee it is the view of North Yorkshire Police that this application should be refused. The above highlights that the applicants have not considered the Council's own Statement of Licensing Policy and have not taken on board that the Premises is in the Cumulative Impact Area. The business model they are promoting of DJ nights and 'York's Number 1 Fun Bar', does not in any way suggest that this premises will operate as a Family-Friendly Restaurant, but will indeed be a bar with the main Licensable activity being the sale of Alcohol.

North Yorkshire Police are working hard with key stake holders and partners within the City of York to tackle Alcohol fuelled disorder and I would ask members to also consider their obligations under Section 17 of the Crime and Disorder Act "it shall be the duty of each authority to which this section applies to do all it reasonably can to prevent crime and disorder in its area."

ANNEX:

1. Copy of the TENS detailing "Games Bar and Restaurant"
2. PC 1520 Bolland's Statement
3. Copy of email from Andy Blain, Planning Officer, City of York Council
4. Pictures taken from Play House website
5. Poster of "Yorks number 1 fun bar"
6. Email exchanges between PS 133 Jackie Booth and agent for the applicant Hilary Ramli

Signature: _____

Date: 01/08/2019

Contact name: PC 1520 Samantha Bolland

Address for correspondence: Alcohol Licensing Department Fulford Road Police Station

Post town: York

Post code: YO10 4BY

Tel. number (if any): 01609 643273

Email address if preferred option of contact: NYPLicensing@northyorkshire.pnn.police.uk

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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From: Woodhead, Nigel
Sent: 02 August 2019 14:35
To: licensing@york.gov.uk
Subject: Representation to Application for Premise Licence Playhouse, 2 Cumberland Street, York.

I am the Licence Enforcement Officer for the City of York Council and I am authorised to make representations on behalf of the Licensing Authority.

This representation is with regard to the application made by Playhouse at 2 Cumberland Street, York for the grant of a Premise Licence with regard to the provision of recorded music, performance of dance and supply of alcohol from 11:00hrs until 02.00hrs on each and every day, the provision of live music from 12:00hrs until 23.00hrs on each and every day, and late night refreshment from 23:00hrs until 02.00hrs on each and every day. The application states the premises open from 11:00 hrs until 02.30hrs on each and every day.

I make this representation in relation to the following two licensing objectives:

1. The Prevention of crime and disorder
2. Prevention of Public Nuisance

The application relates to a new Premise Licence in respect of a Games Restaurant within York's Cumulative Impact Area (CIA).

The Council's current Statement of Licensing Policy, which was adopted in March 2019 and is effective until March 2024 undertook a review of CIA which has resulted in a Red Zone being identified. Paragraph 9.14 of the Policy refers to this Red Zone and states that:

'The Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of Licensed Premises in this Zone'.

Playhouse sits within this red zone.

The CIA also states that:

'this CIA has been identified because evidence shows that the cumulative impact of the number and concentration of licensed

premise in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

1. The Prevention of crime and disorder
2. Prevention of Public Nuisance

Public Protection along with North Yorkshire Police have provided information that this area is such that the problems and cumulative impact directly relates to the type of businesses operating in the area and their customers due to the concentration of pubs, bars, nightclubs and restaurants especially late night into the early hours of the morning and I believe that by granting this application it will have a negative impact as it is adding another drinking establishment to the CIA.

The premises has been licensed previously, this licence lapsed on the 25 May 2019, which is why grant application has been made. Previous occupiers have all been restaurants with conditions that alcohol was only permitted ancillary to a meal and that the operation of the premise could not be changed from that of a restaurant due to its location within the previous area known as the Cumulative Impact Zone introduced in 2005. This was to prevent vertical drinking so as not to impact on the night time economy.

As stated above the applicant wants to open till 02.30hrs every day stating within the application that food will be available between 12.00hrs until 22.30hrs which is usual in a vertical drinking establishment, but is not common for a restaurant. The applicant has also asked for an extension of 1 hour on all bank Holiday Sundays and New Years Eve which would mean that licensable activities wouldn't cease till 03.00 closing at 03.30 which does not reflect the operating schedule of a restaurant.

The Licensing Authority asks members of the Committee that this application be refused. The applicants have not followed the Council's own Statement of Licensing Policy and have not taken into account that the premises sit within the CIA. There is currently signage within the premises actively promoting DJ nights in York's Number 1 Fun Bar which does not suggest that it will run as a family friendly restaurant. As stated within the application a pool table and table tennis are provided within the premises, these type of activities are not usually found in a restaurant, they are however usually found in a vertical drinking

establishment such as a pub/bar with the main licensable activity being the sale and consumption of alcohol.

2/8/19

Nigel Woodhead
Licence Enforcement Officer,
City of York Council
t:01904
email: ;

Please be aware of the new contact details for the Licensing Section (including Taxis):
Telephone: 01904 552422
Email: licensing@york.gov.uk

Sefton, Helen

From: Golightly, Michael
Sent: 02 August 2019 14:55
To: EAP Licensing Unit
Subject: Premises license application for 2 Cumberland Street, York, YO1 9SW

Dear All

Public Protection are objecting the above application on grounds of public nuisance.

The CIA is: the cumulative impact Area and is an area designated by City of York Council in its statement of licensing policy where evidence shows that the cumulative impact of the number and concentration of licensed premises continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives of prevention of crime and disorder and prevention of public nuisance. Within this area, when applying for licenses the onus is on the premises license holder to demonstrate that the licensing objectives will be met and that their proposed activities will not result in an escalation of crime, disorder and public nuisance in this area.

A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone.

The premises is 2 Cumberland Street, York, YO1 9SW. This is a single glazed building with no acoustic lobby in the city centre within the CIA that already has 2 other bars opposite it. The CIA was reviewed in April 2018 and now includes a red hot spot zone within the CIA which represents an area in the City where there has been a increased number of crimes and anti social behaviour and noise related incidents.

There are also residential dwellings within close proximity. In terms of its previous use as a restaurant Public Protection have received a noise complaint in 2012 about loud amplified music and people noise.

There was a previous premises license, however, this has now lapsed and so this application should be regarded as a new application for a new premises license within the CIA.

The proposed license in the application is to be one for “a restaurant serving food from 12 – 10:30pm” that will be licensed to be open to the public until 2:30 am and 3:30am on New years eve and Bank Holiday Sundays. The license proposes live music until 11pm and recorded until 2am.

My concerns

The Application: The agent has stated that the premises will be predominantly food led, however, The Play house web page is advertising events that appear to be more resembling those held at bars and night clubs with “Vice City Saturday’s” and “Play House Friday’s” the latter of which includes Live music and DJ’s 7- late. These are advertised as regular events and the web page includes other events on Sundays and Thursdays.

The Applicants have not offered conditions that are appropriate for a bar with live and recorded music and during negotiations have not even offered or agreed to some of the conditions that public protection proposed that were attached to the previous granted premises license such as "Alcohol will only be served to patrons who are seated at tables and as ancillary to a meal" or "A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints." The application alludes to a family friendly restaurant, with games appropriate for children under 16, however, the plan is that of a bar/ pub and the hours are way too late to be a family friendly establishment.

The times of operation: The applicant has proposed the hours of operation to run until 2:30am which is well in excess of other restaurants in the surrounding area. The serving of food is to be stopped at 10:30pm and then there would be 4 hours for the restaurant to remain open with the sale of alcohol and live and recorded music which can include DJ's. This would significantly change the character of the premises from a restaurant to that of a bar/ night time club and would be an intensification of bars in the area and may result in a risk of more noise complaints by local residents due to loud amplified music and noisy customers at the premises.

I am also concerned about the applicants ability to control noise from the premises. The conditions that have been offered by the applicant of a noise limiting device would not work in this instance. When setting levels for noise limiting devices where there is no acoustic lobby the levels would have to be set whilst the doors are open which would mean that the set level would be either too low to enjoy in the premises or too loud and pose a threat of causing a noise nuisance to surrounding residential dwellings. The lobby to the front of the premises is not a double set of doors (i.e. a set of doors a space between and a second set of doors) and therefore will not stop noise from music and customers escaping out of the premises whilst customers are entering and leaving. I have advised that the applicants should consider reducing the hours to 11pm which is more in line with a restaurant and would mean that noise from loud amplified music, live music would no longer be a concern after 11pm and would therefore not be required to be mitigated after those times. (Note: Noise nuisance can occur at any time of day and would still need to be mitigated during the day). I have also proposed a condition for a noise management plan but this has been rejected by the applicants.

Conditions agreed with applicant:

1. Notices shall be placed on exit doors and staff to remind customers that there are residential premises in the area and to be quiet when leaving the property.
2. Bottle bins are only to be emptied between the hours of 9am and 9pm Monday to Sunday.
3. Children will only be allowed on the premises if accompanied by adults and will not be allowed to remain after 21:00 hours.

4. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
5. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
6. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
7. When used door supervisors shall use their best endeavours to ensure that customers leaving the premises do so quickly and quietly without loitering outside.
8. An adequate number (at least one) of SIA licensed Door Supervisors shall be provided at the premises from 21:00hrs until the venue closes for business, on the following occasions:-

Friday and Saturday evenings, the evening preceding a Bank Holiday, any day when York race meetings are held, except for the first May meeting and the Sunday meeting in September.

Conditions we would still like to see attached to the premises license

1. The hours of operation: I would like the hours of operation to be restricted to 11pm if the premises is to be used as a restaurant.
2. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints.
3. Alcohol will only be served to patrons who are seated at tables and as ancillary to a meal.

This application seeks to change the character of the use of the premises after 10:30pm (and 7pm on event nights) from a restaurant which it was previously into a fun bar/ DJ bar style licensed premises within the red zone of the Cumulative Impact Area where the Council should refuse all applications unless the applicants can show how their application would not lead to an increase in

the impact of licensed premises in that area. The applicants have not demonstrated how they will control noise from the premises and have not accepted all of the conditions that were proposed by public protection in order to prevent noise from the premises affecting surrounding residents. I would therefore advise the members of the committee that unless either the hours are restricted to 11pm or all of the above conditions are attached to any premises license that they refuse this application on grounds of public nuisance.

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

Regards

Michael Golightly
Technical Officer

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of the Local Government Act 1972.

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Kings Staith,
York,

2nd August 2019

Dear Licensing Department,

Application for the Grant of a Premises Licence, Playhouse, 2 Cumberland Street

Thank you for letting me see the above application. I am writing to express my objection to the grant of a new licence in the terms applied for.

I should say, at the outset, that I have had very little cause to complain about the activities of most of the restaurants in this area and their patrons. Unfortunately such is not the case for the bars and nightclub in this area and I am most concerned about the prospect of another late night bar here. As an example of the rowdiness we experience I would point to the fact that 2 Cumberland Street itself had to replace one of their large plate glass windows last week, after it was 'put in'.

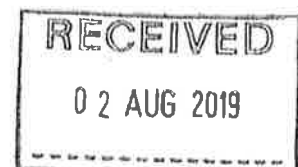
Previous holders of the premises licence at 2 Cumberland Street have had conditions applied that stipulated that alcohol was only to be served as ancillary to meals or in a limited area, over a limited time, and then only by waitstaff, to seated patrons. The present application lacks any such restrictions and thus appears to change the character of the establishment from a restaurant to a bar. On the face of it a case could be made that planning 'change of use' would be needed, were the licence to be granted as requested.

I am also concerned about the request for alcohol sales to be allowed for consumption off the premises. When the Clifford Street nightclub is open their queue is marshalled down Cumberland Street on busy nights, right opposite the entrance to the Grand Opera House and 2 Cumberland Street. 'Off sales' from 2 Cumberland Street might well be cheaper than the drinks to be bought in the nightclub, leading to street drinking with its associated risk of increased noise, litter and rowdiness.

The three benches placed on the other side of the railings opposite my front door are already a magnet for revellers enjoying their late night take-aways and/or alcohol, again leading to noise and litter. Although the Council's cleansing team do a sterling job cleaning up every morning, their job, along with my peace and quiet, will not be helped by another 'take-away' premises in the area, as is being requested.

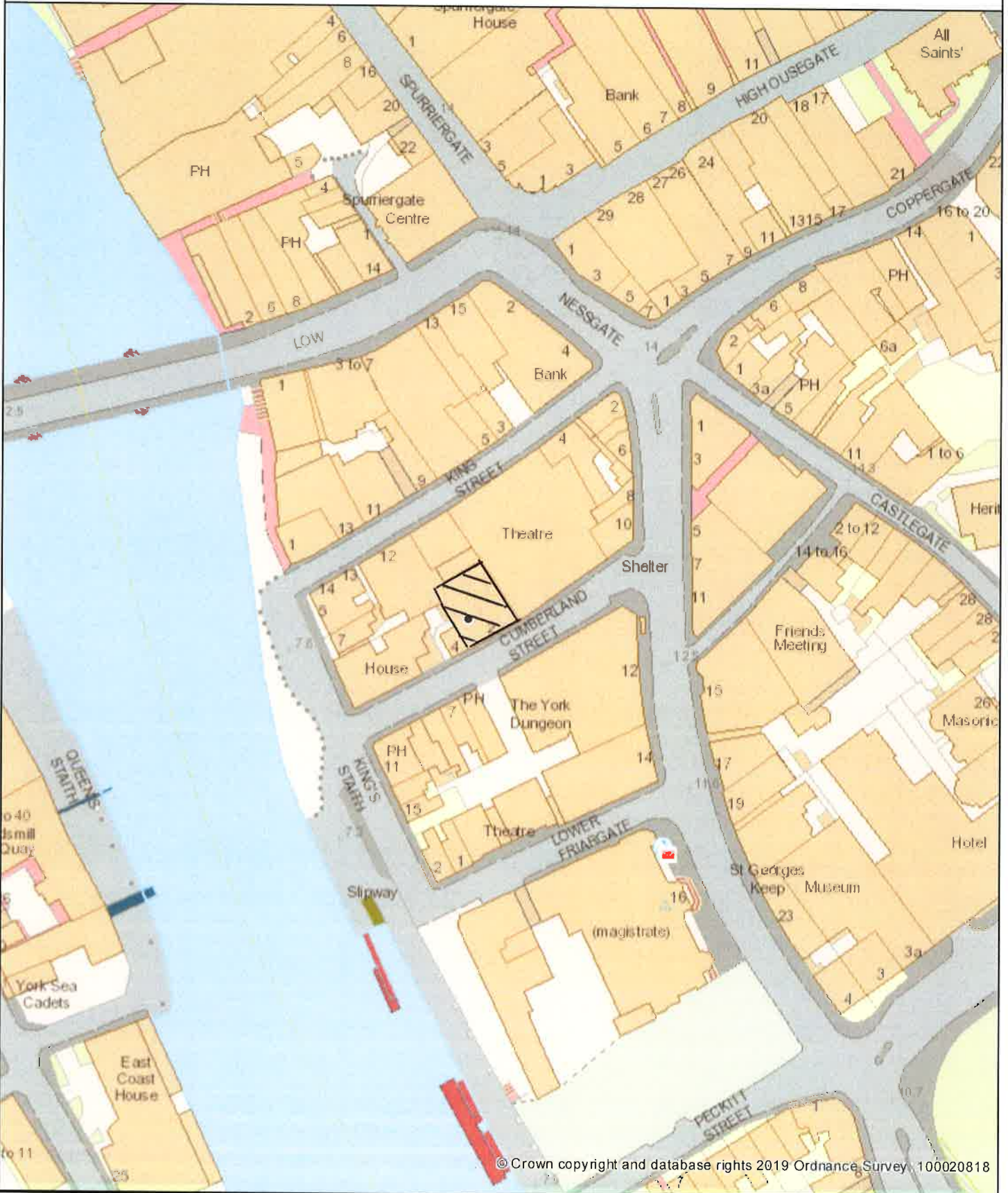
Recent operators of restaurants at 2 Cumberland Street have caused considerable public nuisance to pedestrians by storing their bins on the pavement. Although the waste bin may be considered to be the concern of the cleansing department, the same could not be said of the bottle bin. Both bins should be stored inside the premises, except on collection day.

Yours sincerely,



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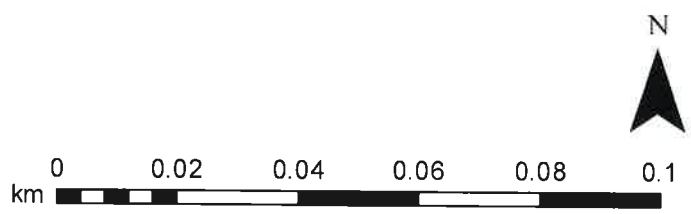
2 Cumberland Street



Date: 24 Jul 2019

Author:

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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).

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

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**ADDITIONAL
INFORMATION FROM
NORTH YORKSHIRE
POLICE**

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