

Licensing Hearing

To: Councillors Hayes, Mercer and Pavlovic

Date: Monday, 8 April 2019

Time: 10.00 am

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

A G E N D A

1. Chair

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

2. Introductions

3. Declarations of Interest

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

- any personal interests not included on the Register of Interests
 - any prejudicial interests or
 - any disclosable pecuniary interests
- which they may have in respect of business on this agenda.

4. The Determination of an Application by Anthony Dean (Public Protection Manager, City of York Council) for the Review of a Premises Licence [Section 52(2)] in respect of The Clockhouse, Kingsway West, York, YO24 3BA (CYC-09086) (Pages 9 – 136)

Democracy Officer:

Angela Bielby

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

Distribution

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LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REVIEW HEARINGS

Introduction

The procedure adopted at the Licensing Review 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. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

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

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

Representations at Licensing Hearings

The Applicant for the Review, Ward Councillors, the Licence Holder(s) and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application for a Review, the Applicant for the Review, the Licence Holder(s) and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

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

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

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

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions

and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant for the Review, the Licence Holder(s) and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

The Applicant for the Review or any Representor **may not** introduce any new ground or objection not referred to in the written submission. Amplification of the original representation may be made but any additional or new representation may not be made at the hearing.

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

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor. Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed. At any hearing of an application for a Review, the Licensing Officer, the Applicant for the Review, the Licence Holder(s) and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee and the Licensing Officer*], welcomes the Applicant for the Review, the Licence Holder(s) and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.

5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant for the Review, the Licence Holder(s) and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will invite the Applicant for the Review (or their representative) to present their case and call any witnesses to support their case *[maximum 15 minutes]*.
9. The Chair will invite the Licence Holder(s) and Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties in support of the Review
 - (iv) Interested Parties opposing the Review
 - (v) Licence Holder(s)
10. The Chair will invite the Committee Members to ask questions of the Applicant for the Review (or their representative) and/or witnesses.
11. The Chair will invite the Representors in support of the review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
12. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors opposing the review to ask questions of each Representor in support of the review(or their

representative) 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 in support of the review (or their representative) and/or their witnesses after each presentation.
14. The Chair will invite the Licence Holder(s) (or their representative) to present their case and call any witnesses to support their case
[maximum 15 minutes].
15. The Chair will invite the Applicant for the Review and Representors (or their representative) in the following order to ask questions of the Licence Holder(s) (or their representative) and/or witnesses
[maximum 5 minutes each party]
 - (i) Applicant for the Review
 - (ii) Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties in support of the Review
 - (v) Interested Parties opposing the Review
16. The Chair will invite the Representors opposing the review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case
[maximum 15 minutes each party]
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
17. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors in support of the review to ask questions of each Representor opposing the review (or their representative) and/or their witnesses after each presentation
[maximum 5 minutes per Representor].
18. The Chair will invite the Committee Members to ask questions of each Representor opposing the review (or their representative) and/or their witnesses after each presentation.
19. The Chair will invite the Licence Holder(s) (or their representative) to summarise their case
[maximum 5 minutes].

20. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties opposing the Review
 - (iv) Interested Parties in support of the Review
21. The Chair will invite the Applicant for the Review (or their representative) to summarise their case *[maximum 5 minutes]*.
22. 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.
23. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant for the Review, the Licence Holder(s) 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

24. 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.
25. If possible, and always in the case of a Review of a premises licence following a Closure Order, the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.
26. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if

appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the hearing. There can be no further questions or statements.

27. 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 for the Review, the Licence Holder(s) and Representors within 5 working days of the decision being made.
28. The notification will include information about the rights of appeal against the determination made.

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**Meeting of Licensing Act 2003 Sub-Committee****8 April 2019**

Report from the Assistant Director – Economy & Place

Section 52(2) Review of Premises Licence CYC/09086 for The Clockhouse, Kingsway West, York, YO24 3BA**Summary**

1. This report seeks Members determination of an application for a review of a premises licence which has been made under the Licensing Act 2003 in respect of The Clockhouse, Kingsway West, York, YO24 3BA, premises licence number CYC/09086.
2. Name of applicant: Anthony Dean, Public Protection Manager, City of York Council, Eco Depot, Hazel Court, York, YO10 3DS.
3. Summary of Review: The application to review the premises licence relates to the following licensing objective;
 - The prevention of public nuisance.
4. A copy of the application for review is attached at Annex 1 and is briefly summarised as follows:
 - a. The premises licence holder, who is also the designated premises supervisor, for the Clockhouse Public House was prosecuted by City of York Council in July 2016 for breach of licence conditions relating to the licensing objective of the prevention of public nuisance.
 - b. Throughout 2017 and 2018 the Public Protection Team continued to receive periodic complaints from local residents regarding noise emanating from the Public House. Further breaches of licence condition were witnessed by Authorised Officers of the Council in May 2018.

- c. In May 2018 the premises licence holder was interviewed under caution in relation to the breaches of licence condition, reminded of his licence conditions and his obligations under the Licensing Act 2003.
 - d. In October 2018 Authorised Officers of the Council witnessed further breaches of licence conditions relating to noise at the premises.
 - e. In January 2019 the premises licence holder pleaded guilty to Section 136 offences (unauthorised licensable activity due to, breach of licence conditions), at the Clockhouse Public House in May and October 2018.
 - f. Since January 2019 further complaints have been received regarding noise and anti social behaviour at the premises.
5. A copy of the current premises licence is attached at Annex 2. The premises licence currently authorises the following:

Licensable Activity	Current Days & Hours
Indoor Sporting Events	11:00 to 23:30 Monday to Saturday 10:00 to 23:30 Sunday
Live Music	11:00 to 23:30 Monday to Saturday 10:00 to 23:30 Sunday
Recorded Music	11:00 to 23:30 Monday to Saturday 10:00 to 23:30 Sunday
Supply of Alcohol	11:00 to 23:30 Monday to Saturday 10:00 to 23:30 Sunday
Opening Hours	11:00 to 00:30 Monday to Saturday 10:00 to 00:30 Sunday

8. The premises licence issued on conversion with variation under the Licensing Act 2003 was granted on 13 September 2005.

Consultation

9. Consultation was carried out by the Applicants and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of a review by licensing authority. Copies of the application were served on all responsible authorities and the premises licence holder. Notice of the application was displayed in the vicinity of the premises, on the exterior noticeboard at the West Offices and on the Councils website. In addition relevant Ward Councillors were informed by way of register.
10. No further representations were received.
11. A map showing the location of The Clockhouse is attached at Annex 3.

Other Relevant Information

17. There are no planning implications in relation to this application.

Options

18. By virtue of S52(4) of the Act, the Sub-Committee may in making their decision take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
19. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
20. Option 2: To exclude a licensable activity from the scope of the licence.
21. Option 3: To remove the Designated Premises Supervisor.
22. Option 4: To suspend the licence for a period not exceeding three months.
23. Option 5: To revoke the licence.

Where the Sub-Committee takes a step mentioned in Option 1 or Option 2, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Otherwise the modification of conditions or the exclusion of a licensable activity will be permanent.

In deciding which, if any, of these steps to take, the Sub-Committee should direct its mind to the cause or causes of the concerns which the application and representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

The Sub-Committee may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

Analysis

25. The following could be the result of any decision made by this Sub-Committee:
26. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
27. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
29. Option 4: This decision could be appealed by the premises licence holder, the review applicant or any of the representors.
30. Option 5: This decision could be appealed by the premises licence holder.

The decision of the Sub-Committee will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

31. Members are reminded that they may only use their discretion to take remedial action in relation to matters that are raised by this review and are relevant to the promotion of the licensing objectives.

Council Priorities

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

Implications

34.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – The decision made by this Sub Committee is subject to appeal rights to the Magistrates Court.
 - **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

35. 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 which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
36. 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

37. Members determine the application.

Reason: To address the application for review received as required by the Licensing Act 2003.

Contact Details

Author:

Lesley Cooke
Licensing Manager
Ext 1515

Chief Officer Responsible for the report:

Michael Slater
Assistant Director
Economy & Place
Ext 1300

**Report
Approved**



Date 25/03/19

Wards Affected: Westfield Ward

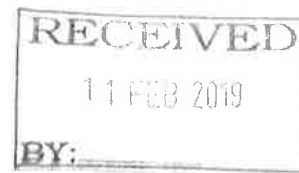
Annexes

Annex 1 - Copy of application for review of premises licence, plus appendices

Annex 2 - Copy of premises licence

Annex 3 - Map showing location of premises

Annex 4 - Legislation and Policy Considerations



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

**Application for a review of a premises licence or club premises certificate
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 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 **Anthony Dean of PUBLIC PROTECTION** (insert name(s) of applicant) apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordinance survey map reference or description	
THE CLOCKHOUSE PUB KINGSWAY WEST	
Post town YORK	Post code YO24 3BA

Name of premises licence holder or club holding club premises certificate (if known)
PAUL EDWARD HARRIS

Number of premises licence or club premises certificate (if known)
009086

Part 2 – Applicant details

- | I am | Please tick ✓ yes |
|--|-------------------------------------|
| 1 An interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) A person living in the vicinity of the premises | <input type="checkbox"/> |
| b) A body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) A person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) A body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title <input type="checkbox"/> (for example, Rev)
Surname		First names		
<input type="text"/>		<input type="text"/>		

Please tick ✓ Yes

I am 18 years old or over

☐Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name PUBLIC PROTECTION (Anthony Dean)
Address: City of York Council, Public Protection, Hazel Court Eco Depot, James Street York YO10 3DS
Telephone number (if any) 551588
E-mail (optional) anthony.dean@york.gov.uk ; public.protection@york.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|----|--------------------------------------|-------------------------------------|
| 1. | the prevention of crime and disorder | <input type="checkbox"/> |
| 2. | public safety | <input type="checkbox"/> |
| 3. | the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4. | the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Public Protection wish to seek a review of the above premises as the Licensing Objective "the prevention of public nuisance" has been undermined on a number of occasions.

On 6th July 2016, Paul Harris pleaded guilty in York Magistrates' Court for 8 breaches of the Premises Licence for the Acomb Hotel (now called The Clockhouse). The breaches included 3 occasions of not closing windows and doors after 22.30, 2 occasions of continuing to play music after 23.30, 2 occasions of music being audible at the façade of a nearby premises and 1 breach for providing facilities for dancing in contravention of the licence. This resulted in total fines and costs totalling £3,097.15.

Further complaints continued to be received periodically and further warning letters were sent to Mr Harris on 7th February 2017, 7th June 2017 and 27th July 2017 reminding him of his obligations to comply with his Premises Licence and not to cause a nuisance.

On 26th May 2018, Noise Patrol officers attended a complaint and observed 3 breaches of the Premises Licence. The breaches included windows and doors not being kept closed after 22.30, music being audible at the façade of a nearby Premise and failing to clear the external drinking area by 22.00. In addition loud music that amounted to a statutory nuisance was witnessed. Noise abatement notices were served on Paul Harris as DPS and Licence Holder and also on Clockhouse Partnership Limited on 30th May 2018. Mr Harris and his manager were interviewed under caution in relation to the breaches.

On 27th October 2018, 2 further breaches of the Premises Licence were witnessed by officers whilst on the Noise Patrol. These were for not closing windows and doors after 22.30 and music being audible at a nearby façade.

On 15th January 2019, Mr Harris pleaded guilty to all offences on behalf of both himself and also Clockhouse Partnership Limited. The offences were:

26th May 2018

The offences he (and Clockhouse Partnership Ltd) was prosecuted for were all for carrying out a licensable activity other than in accordance with an authorisation, namely; Condition 13 of Annex 3 of the Premises Licence that "Regulated entertainment shall be inaudible at the nearest noise sensitive premise"; Condition 6 of Annex 2 of the Premises Licence that "all windows and doors will be closed at 22:30hrs"; and Condition 15 of Annex 3 of the Premises Licence that "All external drinking areas shall be vacated, cleared and cleaned by 22:00 hours", all contrary to Section 136(1) of the Licensing Act 2003.

27th October 2018

The offences he (and Clockhouse Partnership Ltd) was prosecuted for were for carrying out a licensable activity other than in accordance with an authorisation, namely; Condition 13 of Annex 3 of the Premises Licence that "Regulated entertainment shall be inaudible at the nearest noise sensitive premise"; and Condition 6 of Annex 2 of the Premises Licence that "all windows and doors will be closed at 22:30hrs", both contrary to Section 136(1) of the Licensing Act 2003.

This resulted in fines and costs totalling £4,889.26. The sentence was broken down as:

Partnership fine £2,000 + surcharge £170
Paul Harris fine £1,500 + surcharge £150
Costs £1,069.26

A further complaint regarding noise and ASB has since been received on 18th January.

Please provide as much information as possible to support the application (please read guidance note 2)

Witness statements are appended to this application relating to the previous offences. This includes the following witness statements some with attached exhibits:

Ian Gray, James Clay, Craig Delorenzo, Jane Mowat. These are attached as **Appendices 1-4** respectively.

The breaches of the Premises Licence included: i) Not closing doors and windows after 22.30, ii) allowing regulated entertainment to be audible at a residential property, iii) not clearing external drinking areas by 22.00, iv) allowing dancing after the permitted time, and v) not turning music down to background level by 23.30.

Noise abatement notices were served on Paul Harris and also Clockhouse Partnership Limited on 30th May 2018. These are attached within the exhibits for the 1st statement of Ian Gray.

A copy of the entries for each of the prosecutions in the register of the Magistrates' Court offences is attached as **appendices 5-7**.

Despite the actions taken, complaints continue to be periodically received and there is not sufficient confidence in the current management to believe that the licence conditions will be properly complied with. During the PACE interview on the 16th July 2018, Mr Harris claimed that some of the Licence conditions are "just ridiculous" and "stupid".

The applicant seeks revocation of The Clockhouse Premises Licence (009086) since simply the removal of the DPS would not be effective as the DPS and the Premises Licence Holder are the same person and there is no power for the Licensing Committee to remove the Premises Licence Holder from the Premises Licence.

In the event that the committee choose not to revoke the Licence, I have also provided a number of recommendations on additional Licence Conditions that the committee may wish to consider adding to the Licence. This includes new conditions and some amendments to old conditions. All these conditions are aimed at reducing the likelihood of further public nuisance being caused. These are attached as **appendix 8**.

Have you made an application for review relating to this premises before? **NO** Please tick

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to this premises please state what they were and when you made them

This is the first review. No review was sought after the initial prosecution in 2016.

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note5). **If signing on behalf of the applicant please state in what capacity.**



Signature

Date 11/02/2019

Capacity Public Protection Manager (Responsible Authority)

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Victoria Waudby (Senior Solicitor) Legal Services, City of York Council West Offices, Station Rise	
Post town York	Post code YO1 6GA
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
Victoria.Waudby@york.gov.uk	

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

Notes for guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Clockhouse

Request for review of licence

Application by:	EPU		Date received:	11/2/19
Was a copy of the application sent by the applicant to the other responsible authorities and the licence holder ?		<input checked="" type="radio"/> Yes/No <input checked="" type="radio"/> Yes/No	Date: 11/2/19 Date: 11	
Advert placed at premises (for 28 days)			Date placed: 12/2/19	
Advert placed at Council Offices (for 28 days)			Date placed: 12/2/19	
Advert placed on Council website (for 28 days)			Date placed: 12/2/19	
Notice sent to licence holder with covering letter			Date: 12/2/19	
Date of hearing (20 days after close of consultation)			Date: By: [signature]	
Outcome of hearing:				
Hearing outcome notified to:				
Holder of the licence		Date:		
Applicant for review		Date:		
Any person making representation		Date:		
Chief Officer of Police		Date:		

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Ian Thomas Gray

Age of witness (if over 18 , enter "over 18"): Over 18

This statement (consisting 5 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

I am currently employed by City of York Council as an Environmental Health Officer within Public Protection. One of the main purposes of my role is to act as lead officer in protecting residents from commercial noise nuisance and other nuisance related issues such as smoke and odour. I also investigate breaches of Premise Licence conditions, particularly when they relate to noise complaints. I have been employed in various Environmental Protection sections since 1991, working for 3 different local authorities, investigating nuisance complaints, forming opinions on what constitutes a statutory nuisance and taking appropriate formal action has been a major part of my duties throughout that entire period. I have a Degree in Chemistry and Environmental Pollution and I obtained the post graduate Diploma in Acoustics and Noise Control in 1996. I am also authorised to enforce the provisions of the Environmental Protection Act 1990 and the Licensing Act 2003.

On Saturday 26th May 2018 I was working on the Council's Noise Patrol with my colleague James Clay, Neighbourhood Enforcement Officer. A complaint was received at 22.20 that evening from a resident of Kingsway West, York

Continuation statement of Ian Thomas Gray

complaining that they were being disturbed by loud music from the Clockhouse Pub, Kingsway West, York.

We arrived onto Kingsway West at 22.50 and when driving past the Clockhouse, I was clearly able to see that the side doors had been left wide open and loud music was escaping from the premises. It appeared that both internal and external doors had been wedged open. We stood to the front of the complainant's house and could clearly make out a song by the Black Eyed Peas and all lyrics were easily audible.

We entered the complainant's property and when stood in the living room could clearly make out a bass beat but probably not at a level to be a statutory nuisance at that point. At 23.00 we went upstairs in order to assess the level of the music in the front bedroom. A repetitive bass beat was found to be clearly audible and some low level lyrics. The music continued to be audible throughout and at 23.09 it was possible to very clearly hear Sweet Caroline by Neil Diamond blaring out at a level which would undoubtedly disturb sleep. It was a warm night so the assessment was undertaken with the window open slightly. The music seemed very loud and it was also possible to hear the voices of customers who were stood outside. At 23.12, the next track heard was Penny Arcade. We continued to listen to the music until 23.20 when we were satisfied that we had witnessed a statutory nuisance.

We left the complainant's just after this time and walked around the outside of the Clockhouse perimeter. The side doors were seen to be still wide open with music blaring out. Walking around to the front it was possible to see that all the tables outside had not been cleared as is required by the licence. There were

Continuation statement of Ian Thomas Gray

dozens of glasses and other items left on the table surfaces. I am not able to say whether they were made from glass or plastic. There were a number of customers stood around outside of the open back door drinking, smoking and talking. A pint glass was seen on the roadside outside of the pub.

I entered the Clockhouse at 23.30 with James Clay, the pub was very busy and the music seemed loud. I spoke with a male who said he was the manager and gave his name as John Patrick. I advised that we had witnessed breaches of the Premises Licence and also a statutory noise nuisance from the music being played and said that the doors needed to be closed. I said that we would be in touch the following week. We left at 23.35.

On 30th May 2018 noise abatement notices were served on Paul Harris as DPS and licence holder and also a separate notice on a limited company, Clockhouse Partnership Limited prohibiting the playing of music at a level to be a statutory nuisance. I exhibit copies of these as ITG1 and ITG2. The noise abatement notices were served in accordance with the Environmental Protection Act 1990 since if the officer assesses that a statutory nuisance exists or is likely to occur, the local authority is duty bound to serve an abatement notice in order to abate the nuisance.

The Clockhouse holds a Premises Licence, reference number CYC-009086, I exhibit a copy of this licence as ITG3. In addition to the fact that the music levels had amounted to a statutory nuisance, 3 breaches of the conditions of the Premises Licence were observed that night.

Condition 6 of Annex 2 states: "All doors and windows will be closed after 22.30". The fact that I observed the door to be wedged open throughout my visit to the

Continuation statement of Ian Thomas Gray

area demonstrates a clear breach of this condition.

Condition 13 of Annex 3 states: "Regulated entertainment shall be inaudible at the nearest noise sensitive premise". Throughout the time of my visit the music was clearly audible both outside and inside of the complainant's property thereby demonstrating a clear breach of this condition.

Condition 15 of Annex 3 states: "All external drinking areas shall be vacated, cleared and cleaned by 22:00 hours". My observations of the outside tables made at just before 23.30 established that none of the outside tables had been cleared, demonstrating a clear breach of the condition.

On Monday 16th July 2018, Paul Harris, Designated Premise Supervisor and Licence Holder of the Clockhouse (Formerly The Acomb) attended a recorded interview under caution at the Council offices at the Eco-Depot, James Street, York. I undertook the interview with Michael Golightly. During the interview, Mr Harris confirmed that he is ultimately responsible for the breaches as DPS and Licence Holder although he had left his manager, John Patrick in charge that night. During the interview he also stated "but they're not serious breaches". I attach a copy of the transcript of the interview as ITG4.

John Patrick was also interviewed under caution afterwards. Under caution he confirmed that he had not been given specific training in relation to carrying out external noise monitoring and recording of the noise. He stated that had he been given such prior training it is possible that these breaches may have been avoided. I attach a copy of the transcript as ITG5.

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Continuation statement of Ian Thomas Gray

Signed: (witness)

Date: 1 OCTOBER 2018.



Economy and Place
Eco depot, Hazel Court
James Street
York, YO10 3DS
Tel: 01904 551550
Fax: 01904 553239

Mr P Harris
Clockhouse
Kingsway West
York
YO24 3BA

Ask for: Ian Gray
Phone: 01904 551567
E-mail: ian.gray@york.gov.uk
Ref: ITG/200058/3852
Date: 30 May 2018

Dear Sir

Noise nuisance from amplified loud music
Clockhouse, Kingsway West, York
Environmental Protection Act 1990, Section 80
Licensing Act 2003

I write to confirm that following further noise complaints received by the Council, on 26th May 2018 officers visited a complainant and between 23.00 and 23.20 loud music from your premises was clearly audible within the bedroom of the complainant's property. The level of noise heard would result in sleep disturbance and in the officers opinion amounted to a statutory nuisance. Doors were seen to be propped wide open. As you are aware, you have previously been warned and written to in relation to noise complaints and have been prosecuted for licence breaches.

As discussed with your manager on the night, I am therefore required by law to serve a Noise Abatement Notice upon you as the Designated Premises Supervisor/Licence Holder (please find attached). This legal notice requires that loud music from Clockhouse does not cause a statutory noise nuisance and the notice comes into immediately. If you breach the abatement notice after this date, this would be a criminal offence and City of York Council will strongly consider:

• **Prosecution with a fine**

You may appeal against the notice to a Magistrates' Court within 21 days from the date you are served with the notice. Please see the explanatory notes attached to the notice for information. I would also advise that in the event of an appeal this notice will not be suspended. Please ensure that I am contacted to discuss what measures are being taken.



The Government Standard

Director: Sally Burns

www.york.gov.uk

Public Protection

In addition, during the visit a number of breaches of your Premises Licence were observed. In order that I can investigate this further it is necessary for me to invite you to attend a PACE interview under caution.

I am satisfied that an offence has been committed so it is my intention to interview yourself and your manager on the night in order that I can investigate this fully and determine who is responsible and whether further action needs to be taken.

As an offence has been committed I am requesting that you attend for a formal interview under caution in order that this matter be investigated. As the allegation is of a criminal nature, I am obliged to remind you of your right to independent legal advice. **You are entitled to bring someone with you to the interview who may be your legal representative, friend or colleague.**

Please confirm that Friday 15th June 2018 at 10am at The Eco-Depot, Hazel Court, James Street, York, is convenient for you to attend.

Yours sincerely

Ian Gray
Environmental Health Officer

A handwritten signature in black ink, appearing to be 'Ian Gray', written over a faint horizontal line.



Notice ref: 003852

Environmental Protection Act 1990 - Section 80**Abatement Notice in respect of Statutory Nuisance**

To Mr Paul Harris

of Clockhouse, Kingsway West, York, YO24 3BA

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 (as amended) the City of York Council (the Council") is satisfied that a statutory nuisance under section 79(1)(g) of that Act exists within its area and is likely to recur.

Nuisance arises as a result of noise from loud amplified music at **Clockhouse, Kingsway West, York, YO24 3BA** affecting occupants of nearby residential properties.

The City of York Council HEREBY REQUIRE YOU to abate the said nuisance immediately and HEREBY PROHIBIT its recurrence

IF without reasonable excuse you contravene or fail to comply with this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine.

The Council are also empowered to take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

Dated: 30 May 2018

(Signed).....

(Designation) Environmental Health Officer

Address for all communications:

for the Director of Economy and Place,
Eco Depot, Hazel Court, James Street, York, YO10 3DS

NB1 The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See attached notes for the grounds of appeal prescribed in the Regulations.

**Please refer to the enclosed appeal procedure notes
attached to this notice**

APPEAL PROCEDURE NOTES**Appeals under section 80 (3) of the Environmental Protection Act 1990 ("the 1990 Act")****The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-**

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice; or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is no reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates-
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney; or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 Act, (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being-
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery in question.
- (5) On the hearing of an appeal the court may-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirements thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notices

- 3. (1) Where-
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
 - (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice necessarily relates is noise caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where--
 - (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practicable effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice-
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Economy and Place
Eco depot, Hazel Court
James Street
York, YO10 3DS
Tel: 01904 551550
Fax: 01904 553239

Company Secretary
Clockhouse Partnership Ltd
119 Brecksfields
Skelton
York
YO30 1YE

Ask for: Ian Gray
Phone: 01904 551567
E-mail: ian.gray@york.gov.uk
Ref: ITG/200058/3853
Date: 30 May 2018

Dear Sir

Noise nuisance from amplified loud music
Clockhouse, Kingsway West, York
Environmental Protection Act 1990, Section 80
Licensing Act 2003

I write to confirm that following further noise complaints received by the Council, on 26th May 2018 officers visited a complainant and between 23.00 and 23.20 loud music from your premises was clearly audible within the bedroom of the complainant's property. The level of noise heard would result in sleep disturbance and in the officers opinion amounted to a statutory nuisance. Doors were seen to be propped wide open. As you are aware, you have previously been warned and written to in relation to noise complaints and have been prosecuted for licence breaches.

As discussed with your manager on the night, I am therefore required by law to serve a Noise Abatement Notice upon you as the Limited company (please find attached). This legal notice requires that loud music from Clockhouse does not cause a statutory noise nuisance and the notice comes into force immediately. If you breach the abatement notice after this date, this would be a criminal offence and City of York Council will strongly consider:

• **Prosecution with a fine**

You may appeal against the notice to a Magistrates' Court within 21 days from the date you are served with the notice. Please see the explanatory notes attached to the notice for information. I would also advise that in the event of an appeal this notice will not be suspended. Please ensure that I am contacted to discuss what measures are being taken.



Director: Sally Burns

www.york.gov.uk

Public Protection

In addition, during the visit a number of breaches of your Premises Licence were observed. In order that I can investigate this further it is necessary for me to invite you to attend a PACE interview under caution.

I am satisfied that an offence has been committed so it is my intention to interview a representative of Clockhouse Partnership Limited in addition to the DPS/Licence holder and the manager on the night so I can investigate this fully and determine who is responsible and whether further action needs to be taken.

As an offence has been committed I am requesting that a representative of Clockhouse Partnership Limited attend for a formal interview under caution in order that this matter be investigated. As the allegation is of a criminal nature, I am obliged to remind you of your right to independent legal advice. **You are entitled to bring someone with you to the interview who may be your legal representative, friend or colleague.**

Please confirm that Friday 15th June 2018 at 11am at The Eco-Depot, Hazel Court, James Street, York, is convenient for you to attend.

Yours sincerely

Ian Gray
Environmental Health Officer





COPY

Notice ref: 003853

Environmental Protection Act 1990 - Section 80**Abatement Notice in respect of Statutory Nuisance**

To Clockhouse Partnership Limited
 of 119 Brecksfields, Skelton, York, YO30 1YE

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 (as amended) the City of York Council (the Council) is satisfied that a statutory nuisance under section 79(1)(g) of that Act exists within its area and is likely to recur.

Nuisance arises as a result of noise from loud amplified music at **Clockhouse, Kingsway West, York, YO24 3BA** affecting occupants of nearby residential properties.

The City of York Council HEREBY REQUIRE YOU to abate the said nuisance immediately and HEREBY PROHIBIT its recurrence

IF without reasonable excuse you contravene or fail to comply with this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine.

The Council are also empowered to take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

Dated: 30 May 2018

(Signed).....

(Designation) Environmental Health Officer

Address for all communications:

for the Director of Economy and Place,
 Eco Depot, Hazel Court, James Street, York, YO10 3DS

NB1 The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See attached notes for the grounds of appeal prescribed in the Regulations.

**Please refer to the enclosed appeal procedure notes
 attached to this notice**

APPEAL PROCEDURE NOTES

Appeals under section 80 (3) of the Environmental Protection Act 1990 ("the 1990 Act")

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice; or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is no reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates-
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney; or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 Act, (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being-
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery in question.
- (5) On the hearing of an appeal the court may-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirements thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notices

- 3. (1) Where-
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
 - (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice necessarily relates is noise caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where--
 - (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practicable effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice-
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

ITG-3

**LICENSING ACT 2003****PREMISES LICENCE****Schedule 12****Part A****Part 1 Premises details**

Premises licence number
CYC - 009086

Postal address of premises:

**Clockhouse
Kingsway West
Acomb**

Post town: **York**Post code: **YO24 3BA**

Telephone number: 01904 791151

Expiry date: This licence has no expiry date.**Licensable activities authorised by the licence:**

Indoor sporting events
Live Music
Recorded Music
Late Night Refreshment
Supply of Alcohol

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

**Monday
11:00 - 23:30**

**Tuesday
11:00 - 23:30**

**Wednesday
11:00 - 23:30**

**Thursday
11:00 - 23:30**

**Friday
11:00 - 23:30**

**Saturday
11:00 - 23:30**

**Sunday
10:00 - 23:30**

LIVE MUSIC
Indoors

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30	

RECORDED MUSIC
Indoors & Outdoors

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30	

SUPPLY OF ALCOHOL

Monday 11:00 - 00:00	Tuesday 11:00 - 00:00	Wednesday 11:00 - 00:00	Thursday 11:00 - 00:00
Friday 11:00 - 00:00	Saturday 11:00 - 00:00	Sunday 10:00 - 00:00	

Non Standard Timings for: Indoor Sporting Events, Live Music, Recorded Music, Late Night Refreshment and Supply of Alcohol:

One additional hour at the end of trading for - Christmas Eve, Boxing Day, Bank Holiday Friday, Saturday, Sunday and Maundy Thursday.

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Opening Hours of the Premises

OPENING HOURS	Tuesday 11:00 - 00:30	Wednesday 11:00 - 00:30	Thursday 11:00 - 00:30
Monday 11:00 - 00:30			
Friday 11:00 - 00:30	Saturday 11:00 - 00:30	Sunday 10:00 - 00:30	

Non Standard Timings:

One additional hour at the end of trading for Christmas Eve, Boxing Day, Bank Holiday Friday, Saturday, Sunday and Maundy Thursday.

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

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

On and off the premises

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

Name: Mr Paul Edward Harris

Address: Clockhouse
Kingsway West
Acomb
York
YO24 3BA

Telephone number: 01904 791151

Email address: None

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

Name: Mr Paul Edward Harris

Address: Clockhouse
Kingsway West
Acomb
York
YO24 3BA

Telephone number: 01904 791151

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

City of York Council
CYC-010331

Annex 1 – Mandatory conditions**MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL**

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

2. The first condition is that no supply of alcohol may be made under the premises licence -
(a) at a time where there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that -

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$ where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE

Children

1. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - a) He is the child of the holder of the premises licence.
 - b) He resides in the premises, but is not employed there.

- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Credit Sales

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

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal, or
- a) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- a) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Late Night Refreshment

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above.

Private Entertainment

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. CCTV is installed and maintained on the premise.

Public Safety

2. Emergency lighting and fire fighting equipment are available and serviced under a maintenance contract.

3. Inspection certificates are in place for the Gas and Electrical Installations.

Public Nuisance

4. Notices are displayed at exits asking customers to respect neighbours and leave quietly.
5. Music will be turned down to background level at 23:30 hours.
6. All windows and doors will be closed at 22:30 hours.

Protection of Children from Harm

7. Children are only allowed on the premise if accompanied and supervised by a responsible adult.
8. All children must vacate the premise by 19:00 hours.
9. Children will be allowed on the premise until 21:00 hours in summer months provided that they are in the beer garden.
10. AWP machines are clearly visible from the bar servery.

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

1. The supply of alcohol shall cease 30 minutes prior to the end of opening hours on each and every day.
12. The licensable activities, Indoor Sporting Events, Live Music and Recorded Music shall cease 60 minutes prior to the end of opening hours on each and every day.
13. Regulated entertainment shall be inaudible at the nearest noise sensitive premise.
14. All off-sales shall be made in sealed containers.
15. All external drinking areas shall be vacated, cleared and cleaned by 22:00 hours.

Annex 4 – Approved Plan

Plan Number 8u

For and on behalf of
The Director of Communities
& Neighbourhoods

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Date: 13/09/2005
20/11/2015 (Premise Name Change)

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 009086

Postal address of premises:

**Clockhouse
Kingsway West
Acomb**

Post town: **York**

Post code: **YO24 3BA**

Telephone number: 01904 791151

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Indoor sporting events
Live Music
Recorded Music
Late Night Refreshment
Supply of Alcohol

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

INDOOR SPORTING EVENTS

Monday
11:00 - 23:30

Tuesday
11:00 - 23:30

Wednesday
11:00 - 23:30

Thursday
11:00 - 23:30

Friday
11:00 - 23:30

Saturday
11:00 - 23:30

Sunday
10:00 - 23:30

LIVE MUSIC
Indoors

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Indoors & Outdoors

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From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

Name and (registered) address of holder of premise licence:

Name: Mr Paul Edward Harris

Address: Clockhouse
Kingsway West
Acomb
York
YO24 3BA

Name of designated premises supervisor where the premise licence authorises the supply of alcohol:

Mr Paul Edward Harris

State whether access to the premises by children is restricted or prohibited

No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Children are only allowed on the premise if accompanied and supervised by a responsible adult.

All children must vacate the premise by 19:00 hours.

Children will be allowed on the premise until 21:00 hours in summer months provided that they are in the beer garden.

For and on behalf of
The Director of Communities
& Neighbourhoods

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Date: 13/09/2005
20/11/15 (Premise Name Change)

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

**RECORD OF INTERVIEW**

Person(s) interviewed: Paul HARRIS
 Place of interview: City of York Council
 Hazel Court York
 Date of interview: 16/07/18
 Tape reference number(s): 20326
 Interviewing officer(s): Ian Gray
 Michael Golightly
 Other persons present:
 Time commenced: 11:43

Exhibit number: **ITG-4**Number of pages: **17**

Signature of officer producing exhibit

Time concluded: 12:09

Tape counter times	Person speaking	Text
	IG	This interview is being digitally recorded, I'm Ian Gray, Environmental Health Officer with City of York Council and the date is Monday the 16 th of July, the time is 11:43am. The interview is being conducted at Hazel Court, James Street, York, the other officer present is
	MG	Michael Golightly.
	IG	Also present is
	PH	Paul Harris
	IG	Thanks and can you confirm for the recording that there is no one else present?
	PH	No one else.
	IG	Thanks. Just to make sure that we all turn mobile phones off if we've got them or on silent so it doesn't cause any distractions.
	MG	Yep.
	IG	At the conclusion of the interview you will be given a notice about what will happen to the CDs. Can you confirm that you saw me unseal the CDs and put them in the recorder?
	PG	I did yes.

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	IG	Thank you. So I'll start with the caution. You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say can be given in evidence. Do you understand that? So you're not under arrest, you're not obliged to stay here and you may obtain legal advice. Can you just explain to me what you understand the caution to mean? The one I read to you a moment ago?
	PH	Er, I don't know, it's a council caution I suppose
	IG	Well it's
	PH	I know it's not a legal caution.
	IG	It's a basic caution so that, really just to reiterate that anything that you do say that can be used in court, and if you don't mention anything now, but then later rely on it in court, the court can make an inference on that.
	PH	Yeah.
	IG	That's really all that means.
	PH	It's a voluntary sort of like visit from myself. It's not a... I don't have to come, but you know if it does end up in Court, then obviously that would go against me.
	IG	Great, thank you for that. Are you willing to continue?
	PH	Oh yes.
	IG	You can see on the table here copies of the Police and Criminal Evidence Act and you may consult those at any time if you wish, they just govern the code of conduct for the interview. I'll start off with giving disclosure of the evidence. So you're here today to be interviewed in relation to a suspected breach of conditions 6, 13 and 15 of your premises licence on the 26 th of May 2018. Can I just start with your full name please?
	PH	Paul Edward Harris.
	IG	Current full address?

Record of tape recorded interview **Paul HARRIS**

Tape counter times	Person speaking	Text
	PH	Current address is [REDACTED]
	IG	And date of birth?
	PH	[REDACTED]
	IG	And do you know your National Insurance Number?
	PH	[REDACTED] ne or the other, other way round... I aren't sure.
	IG	I think we've got it on a record somewhere anyway so..
	PH	It's been a while since I've used it so.... I don't think I've been asked that for about five years.
	IG	What I'll do now is I'll pass you onto my colleague Michael who's going to ask you a few questions in relation to the licence on the night in question
	MG	Okay. So can you just confirm Paul that you are currently the designated premises licence holder?
	PH	I am yes.
	MG	Supervisor?
	PH	I am at present yes.
	MG	Ok right. And that's for the Acomb Hotel, Clock House?
	PH	Clock House. Yes.
	MG	And you were the premises.. you were the DPS on the 26 th of May 2018?
	PH	Yes.
	MG	Right. Instead of using the designated premises licence holder, we'll just say DPS from now on.
	PH	Yep that's fine.
	MG	Can you confirm that you are also authorised to speak on behalf of the Clock House Partnership Ltd?

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	PH	Ycs.
	MG	Can you state the connection between the Clock House Partnership Ltd and the Clock House pub.
	PH	The connection is it's a partnership, it's a limited company now rather than an er. [REDACTED]
	MG	Independent...
	PH	Independent public house yeah.
	MG	Are you the sole director of the Clock House Pub?
	PH	Nope.
	MG	Who's the other one?
	PH	I don't know if I can give you that information to be honest? It's er, that's down to them, they're not the premises holder I am. You know what I mean, it's that's a data breach from me if I....
	IG	But is that information available on Companies House?
	PH	Possibly
	IG	It's publicly available information then, so you can give us that information if it's publicly available on there.
	PH	Right, er, me accountant is secretary I believe and me wife is the other partner.
	IG	What's your wife's name sorry?
	PH	It's Cheryl
	MG	Is that Michelle ..?
	PH	Cheryl?
	MG	Oh Cheryl.
	PH	Cheryl yeah. Cheryl C H E R Y L

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	MG	Cheryl, okay yeah.
	IG	So does she tend to have any sort of day to day, or is she just there in name as a partner?
	PH	She does do day to day I shouldn't say that because she does because she's doing the food now for the team so...
	IG	Okay
	PH	If I said no she wouldn't be happy so..
	MG	Your premises licence was issued in under the licensing act 2003. The number is 009086, do you have a full copy of that?
	PH	Yes, not on me, but er
	IG	You keep one at the premises?
	PH	Yeah yeah yeah, there's always one at the premises.
	MG	When did you last read it?
	PH	I read it just after you actually send me these, I thought there was only two offences that we got noted to but you've mentioned three today. Did you send us a copy with only two offences on it?
	IG	I don't have the letter in front of me but er, but I seem to think it mentioned all three.
	PH	John has the letter with him, but I could be wrong. As I said I leave the day to day running of the pub to John now so....
	IG	Okay.
	PH	It could er, it's also something I'm looking into now, as in he's going to be taking over the premises
	IG	We'll be going over that kind of thing when we come to it any way.
	MG	Okay, so you're aware the licence has got various conditions on it?
	PH	Of course yes.

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	MG	Yeah, regarding how you run it. Who was in charge on the yeah – who was in charge on the night of the 26 th of May?
	PH	Er John was.
	MG	And what instructions did you give him that night?
	PH	Same instructions he has every night.
	MG	Which are?
	PH	Which are obviously you know the noise levels are down to you know barely audible from outside, doors are closed, windows are closed just the licensing... he knows the licensing restrictions.
	MG	Right.
	PH	And he's been doing it a while now and give him his due I've never had any problems in the past, which I have had problems in the past but not with John.
	MG	Right.
	PH	He's very good at his job.
	MG	Can you explain what previous experience John Patricks had, being in charge of a licensed premises?
	PH	Previously just obviously working for me on the bar, seeing how the pub runs in general and then he took over more of a management side of things and er, you know to salary and he now runs it roundabout full time himself.
	MG	Does alright?
	PH	Yeah he does very well yeah. He's a clever lad, he's you know he's well aware of what the situation is, very good front of house person as in speaking with people and dealing with them and er, he's good on the sort of like, getting in touch with likes of yourself and emails things like that, much better than I am so I leave that all to him.
	MG	How long's he being doing that for?

Record of tape recorded interview **Paul HARRIS**

Tape counter times	Person speaking	Text
	PH	Er be about probably a couple of years now, be about 18 months that he's been er....
	IG	18 months of managing?
	PH	Roundabout yeah, I think so. He'll have a full date, do you know what I mean.
	MG	Yeah. Erm, what training did you, had John received in relation to the premises licence? About controlling noise?
	PH	Training as in consistently being told from myself what was expected of him, end of the day it's a bar manager it's not rocket science.
	MG	Yeah.
	PH	So you know it's, he went and obviously did his personal licence course and things, which I put him through. Other than that there's no experience you gain through a qualification and it's hands on. He's pub trained as you as you probably well aware yourself. It's as much dealing with people as as you know learning how to do your cellars and things.
	IG	Probably more specifically in relation to, if we look at the premises licence, what how have you gone about training him for that and the conditions and how he goes about ensuring compliance with that.
	PH	Well, same as I was, you know, jump in because until you've done it, you know there isn't no experience other than me telling him day in day out you know what the situation on the licence is, how to deal with things, how to deal with people. There's no experience, there's no courses you can do.
	IG	But have you systematically been through, sat down with him with the licence
	PH	Yeah yeah yeah
	IG	And looked at these conditions here as to what you must need to do?
	PH	Of course, yeah yeah we've sat and looked at the licence you know if when he first came and what not he wasn't it wasn't, he

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
		wasn't coming as a as the manager then but you know I've stipulated a few times, you know what I mean, look at the licence you know read the licence and it's summat he's done. He's well aware of what the licence is and what the conditions are and as I said it's, you learn it as you do it. When I first took over in 2003 I'd never even been near a pub never been behind a bar, but you know you learn as you go but he's had me to be there to help him, whereas I had nobody.
	MG	Yeah.
	PH	So you know it's er, when I went in for that licence that licence is no where near the licence that I had and it was changed quite a bit which was to my annoyance afterwards and there's things on that licence that are just ridiculous and you stated last time, you stated in Court that I should reapply and re evaluate that licence and yeah I agree but it's you know considering the cost implied through the monopoly the Evening Press has on it and it's it's expensive.
	MG	Hmm
	PH	It was what, £1900 then to do it. I bet it's a damn sight more now.
	MG	Okay.
	PH	So, I do want to change the licence, and I'm going to change the licence.
	IG	That might be something that we'll have to discuss again after we go through this process.
	PH	Yeah.
	MG	The next question, I think we've already answered it really so Paul's the manager for 18 months....
	PH	John
	MG	John sorry, John's been manager for 18 months and he's been left obviously in charge during that period has he?
	PH	Erm, I'm I'm I'm always there, do you know what I mean, I work there all day, I do all the building works. I sort of like do any design changes, any, you know I'm still 100% there, it's just that I

Record of tape recorded interview **Paul HARRIS**

Tape counter times	Person speaking	Text
		can't sort of like breathe and sleep there, I have a home aswell and a family.
	MG	Yeah.
	PH	And when I'm not there John's there.
	MG	I see.
	PH	John's actually on the premises you see.
	MG	So he's there anyway
	PH	Yeah he's there anyway.
	IG	So you've left him in charge on his own at those times?
	PH	Oh yes yes.
	IG	I think you said you were there on that night, the 26 th but maybe you weren't working then....
	PH	I had actually popped, I'd been back about 20 minutes I think, I'm not sure if it was a wedding I was at er, I come back to be honest I didn't see him, I didn't even see what was going on. I was, I'd had a few if I'm honest.
	IG	So you weren't working, you just
	PH	No no just socialising. I rarely socialise in my own pub, so it's rare that you've actually caught me there.
	MG	Right. Okay, so over the last 18 months he's been there regularly, in charge of it?
	PH	Yes, last couple of years to be honest, but 18 months he's been, sort of like had the manager's role shall we say, and I think he's lived there now for about a year so, he's you know obviously you're locking up you're opening up.
	MG	Yeah. Are those his usual duties and responsibilities?
	PH	Not really because I'm there before him on a morning, so....
	MG	I mean like being a manager, is that....

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	PH	Oh yeah yeah he knows, you know it's under his contract, he is in charge of the staff, you know, he is there to manage the pub from day to day.
	MG	Okay, would you say after what's happened that in hindsight it was reasonable to have given John responsibility for the premises?
	PH	Of course, yeah.
	MG	Given his experience and qualifications?
	PH	Of course yeah, as I said this, the problem is with the licence more than anything else to have on the licence that all doors have to be closed at half ten is just a fire hazard to say the least and you know it's a ridiculous ruling on the licence and should never have been placed on there, but it has, obviously John's aware that the doors have to be closed, but as people have to go through the doors with them being solid they have to open them.
	MG	Yeah.
	PH	And that breaks the licence, breaches the licence, so you know if somebody has actually, I believe he told me somebody had wedged the door open that night, I don't know if it was either someone that was actually there, someone had wedged the door open, which sometimes customers do, it was really busy, it was a warm night and they think they're helping you, obviously they're not. So you know, on about John being capable sort of like seeing that doors have been wedged open as much as the you know the guy that works in the shop over the road, it's not something that you know, that you need sort of like months and years of training to notice that the doors have been left open.
	IG	I mean as you say it was really busy, so I mean normally if there's noise monitoring being done then you might have spotted it but if it was really busy he was probably spending more time behind the bar.
	PH	I'm sure I'm sure he'd have noticed if the door had been wedged open, but depending sort of like on there was sort of like a I do remember the night as in I was in there I can't say that I actually noticed any any sort of like problem with, the DJ is completely sort of like, he never usually has it you know particularly loud, if

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
		the door hadn't been open I'm sure it wouldn't have been a problem, er, it's obviously there's been a noise complaint from somebody but obviously there's other people that there hasn't been a noise complaint from so you know, he thought it was too loud, but you know the same guy does take petitions down the street asking for signatures for you know, that your bins aren't clean enough, you know, he is what he is, I know exactly who it is.
	MG	Right, moving on, who was responsible for ensuring compliance of the licence conditions that night?
	PH	I'm always responsible because I'm the designated supervisor, but when I'm not there or one of my staff is in charge they're responsible, I hand that responsibility on to them.
	MG	Okay so on that night who was responsible?
	PH	John.
	IG	But as you point out, with being DPS you've got the ultimate responsibility
	PH	Oh yeah yeah, I have to bollock him
	MG	Condition 6 of your licence states that all windows and doors will be closed at 10:30pm, which means obviously from 10:30 onwards, officers saw both internal and external doors left open when they visited. Did you try to take any measures that night to comply and to get those doors closed.
	PH	As I said you know this is one of the points on my licence that are ridiculous, you know. Keep doors closed.... if there's a fire we keep doors closed or I'm breaching my licence, you know what I mean, it's a ridiculous ruling on it, people will go outside, this was done in 2003 or 2005 I believe when the licences were changed, you can tell me more.
	MG	I dunno.
	IG	To be honest with you, it is a common condition that is on most premise licences though when you've got music....
	PH	Stupid, stupid condition. Even the magistrates in when we went to Court actually stated that, said you know that the condition

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
		needs changing. You know, how can I sort of like comply to a rule that sort of like's just not plausible. You have to have all doors and windows closed from half ten?
	IG	Well that's just from ingress or egress, people going in and out obviously....
	PH	It doesn't state that though does it? It doesn't though does it, it doesn't state that on the licence?
	IG	It doesn't, although if we were monitoring it....
	PH	Well okay, if you get your tapes out from last time,
	IG	Hmm.
	PH	I'm quite clear that you turned round and said you really need to readdress your licence.
	IG	Hmm. But if we were, for as an example, if we were there and
	PH	I'm only stating what was stated last time.
	IG	Yep.
	PH	Do you know what I mean. You used the same thing against me last time and then the argument I'm making now you're saying oh well people are allowed to go in and out, but it doesn't state that on the licence and it didn't get stated when I was in Court either.
	IG	I mean obviously in this case it wasn't that they were going in and out and like you said it had been wedged open....
	PH	It had been wedged open but people do go in and out, I'm on about since this these licensing things was put on the licence, we've also had the smoking ban, which means a lot more people go outside now.
	MG	Yeah.
	PH	And you know the magistrate did mention that you need to change your licence Paul, and I said it's cost, it's an extra 2 grand every time you look at this.
	IG	Well as you say we can discuss about reviewing the licence

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
		issues after we've finished this anyway.
	PH	Yeah but it is all part and parcel of the same in my opinion.
	MG	Okay
	PH	Because it is a breach of my licence for them doors to be open.
	MG	The next question you've already answered, was it a warm night and you probably said that earlier on in the interview that you felt that the night was warm...
	PH	It's been a warm summer hasn't it. Every night's warm at the moment.
	MG	Condition 13 of your licence states
	PH	Yeah.
	MG	Regulated entertainment shall be inaudible at the nearest noise sensitive premises. Officers were in the complainant's property and they could hear the music throughout their visit, from 11:00 to 11:20 at a level that was enough to disturb sleep and would be a statutory nuisance. What means, what measures did you take to check for compliance with that condition to make sure that it wasn't audible?
	PH	Well if the doors had have been closed and not wedged open you know, I don't believe that it would have been audible, I mean we have music on there every weekend.
	MG	So what did you do to try and make sure that you were in compliance with that, to make sure the doors were closed.
	PH	I told you I wasn't on duty.
	MG	And what did John do?
	PH	I don't know, you'll have to ask John that.
	MG	Was any noise monitoring carried out on that night and if so by who?
	PH	On that, which night, that night?

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	MG	That night.
	PH	As I say I wasn't on duty, you're going to have to refer to John. I can't tell you something that you know....
	MG	You weren't there yeah. The outside tables were checked at 11:25 at night and it was noted that none of them had been cleaned or cleared as required by your licence. Glasses were on the outside tables why was this condition not complied with?
	PH	Glasses was on the outside tables....?
	MG	Yep
	PH	Which glasses? Glass glasses or plastic glasses?
	IG	Just like, all the big table area.....
	PH	Yeah but the glasses are often collected in
	IG	Because it says cleaned and cleared
	PH	Glasses are often collected in, it's the plastic ones may have been left out, because on ... really they're meant to have plastic glasses when they go outside into the beer garden, sometimes they take them out when they're having a cig and things, so the staff will collect the glass glasses in, but the plastic ones, the cleaners just dump them in the morning, obviously we don't clean them things. Which ones was they?
	IG	They just looked like normal glasses I couldn't do a proper inspection as to whether it was glass or
	PH	I'm on about, in fairness are we talking sort of like more about litter than we are glasses?
	IG	It was just the top of the tables
	PH	Yeah yeah which is another condition that's just you know, ridiculous when it's really busy sometimes, really difficult to comply with but having said that when we agreed to them conditions the place wasn't the same you know we are a busier place now, so it's something I'll be looking at readdressing.
	MG	Okay, finally what reasonable excuse do you have for the breach

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
		<p>of conditions 6, 13 and 15 on that night?</p> <p>PH Can you can you tell me what condition 6,13 and 15 are?</p> <p>IG Well 6 basically that's the doors being open, the fact that the music could be heard.</p> <p>PH As I explained you know I wasn't on duty so you know...</p> <p>IG I think you've given me an explanation to be honest.</p> <p>MG Yeah</p> <p>PH What was the next one.</p> <p>IG Regulated entertainment shall be inaudible at the nearest noise sensitive premises.</p> <p>PH Obviously the door being open you'd have to ask John that question, the last one I, don't believe there was glasses, I think they were plastic glasses. There quite often is.. But if it's down to the tables should be cleared, then I suppose that's a breach as well, a serious one.</p> <p>IG I'll just clarify, so obviously in relation to 26th May, you mentioned about that John had received some training from yourselves in terms of you'd explained to him what the licence was and you know pointed out the conditions to him and he'd had probably about 18 months plus experience of actually being a manager of the pub. And you're confident, you felt he'd got enough experience to be in charge of the pub in those circumstances, you've confirmed that ultimately you were responsible for the breaches because as the DPS and licence holder but you'd given some responsibility to John for that night, whilst he was in charge,</p> <p>PH Yeah John is responsible when I'm not there, and when John's not there Aaron's responsible. But you know it's it's the only three people that we would consider leaving in charge and any of us are always on the end of a telephone in case someone needs advice.</p> <p>IG Since you were prosecuted on the 6th July 2016 for licence breaches, further complaints have been sporadically received, can you explain if you put any additional measures in place since then?</p>

Record of tape recorded interview Paul HARRIS

Tape counter times	Person speaking	Text
	PH	Can you repeat that?
	IG	You were prosecuted on the 6 th of July as you know for licence breaches
	PH	6 th of July in what year?
	IG	2016.
	PH	2016 yeah
	IG	Two years. There have been occasional complaints since then but nothing witnessed. I just wondered since you were prosecuted, can you explain to me what additional measures you've put in place to ensure compliance with the conditions?
	PH	Yeah sure, I sacked my manager at that time, got rid of her, DJ sort of like basically was told I want at least a third of the volume down or your going as well. Explained to them, showed them a sort of like a fine my suspended fine and says you know, this is, this is as much down do you as it is down to me for not sort of like stipulating what the rules are and then sort of like thought right I'll do it myself, but John was already working for me by then, more as sort of like a bar man also helping me on the building work side of things and I realised you know his management skills would be something. He did run a department at the NHS before he came to me so you know he has got experience through being a manager and I realised it would be pretty handy. Since then at first obviously he was just sort of like and assistant and then he's you now he's grown into it and he's become very good at his job to be honest. I couldn't ask for anybody else and I've not had one serious complaint from him for anything on noise or anything. I do stipulate that it's down to him and that if we incur any costs it's also down to him which is part of his contract.
	IG	So he's the one, if he's managing then you'd expect him to do be the one doing the noise monitoring on that night.
	PH	Oh yeah yeah without a doubt, that's what I employ him for. You know, I can't do everything all the time, I'm there most of the time, and I'm always there sort of like for any sort of like anything he needs, even if I'm not there I'm at the end of the phone but I can honestly say, that I haven't needed to be, John's pretty good, he deals with it and anything that he feels he can't deal with he gets

Record of tape recorded interview **Paul HARRIS**

Tape counter times	Person speaking	Text
		<p>In touch with me.</p> <p>IG Okay, thank you for explaining that, I mean is there anything else that you wish to explain at all at this point or do you think that you've just explained it all there?</p> <p>PH No no you know, I feel that sort of like the best thing I did was getting rid of her, Michelle and I was lucky that sort of like I come across John and he's been he's been pretty good. I mean he's quite distraught about this really. He'll see these books and he'll you know, he'll shit himself. And you know, I tried explain to him don't take it as seriously as you think it is, at the end of the day, they'll take us to Court and fine us, do you know what I mean and you know I could lose my licence possibly I said, but they're not serious breaches, I said they're they're I was up and I was in front of these before it actually went to Court I said you know it wasn't as if they didn't give me chance I said it was Michelle and she just continued continued it I said but you'll see yourself, he's not like that, he's a nice bloke and you know, he'll do whatever he needs to do to make sure that we comply to the licences. You'll see that yourself.</p> <p>IG I'm just going to hand you that notice that we said about at the start, if you could just read that number in the top right for me please.</p> <p>PH 2 0 3 2 6</p> <p>IG Right now could you sign that label just under your name there.</p> <p>PH Yeah sure.</p> <p>IG Right. So the time is now 12:09 and I'm switching off the recorder.</p>

Record of tape recorded interview **Paul HARRIS**

Tape counter times	Person speaking	Text

**RECORD OF INTERVIEW**

Person(s) interviewed: John Robert Patrick
Hazel Court, James Street,
York
 Place of interview:
 Date of interview: 16 July 2018
 Recording reference
 No(s):
 Interviewing officer(s): Ian Gray, Environmental Health Officer
Michael Golightly, Technical Officer

Exhibit number: ITG5
 Number of
 pages: 12
 Signature of officer
 producing exhibit

A handwritten signature in black ink, appearing to be 'I. Gray', written over a horizontal line.

Other persons present:

Time commenced: 12:14 Time concluded: 12:36

Tape counter times	Person speaking	Text
00:00	IG	Okay this interview is being digitally recorded, my name is Ian Gray, Environmental Health Officer with City of York Council, the date is Monday 16 th July 2018 and the time is 12:14pm. The interview is being conducted at Hazel Court, James Street, York. The other officer present is
	MG	Michael Golightly, Public Protection Officer
	IG	Also present is
	JP	John Patrick
	IG	Thank you. Can you confirm for the recording that there is no one else present in the room?
	JP	I can confirm that
	IG	Thanks and can you also turn off your mobile phone if you have it with you please, just so it doesn't distract from the interview or put it on silent. Great. At the conclusion of this interview you will be given a notice about what will happen to the CD's. Can you confirm that you saw me unseal the CD's and put them in the recorder?
	JP	Yes
	IG	Thanks so I'm going to start with the caution, you do not have to say anything but it may harm your defence if you do not mention

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
		when questioned something which you later rely on in court. Anything you do say will be given in evidence. Do you understand that?
	JP	Yes
	IG	So you are not under arrest, not obliged to stay here and do you understand what the caution means in your words what do you think it means
	JP	It's new to me is all this I'll be honest, I've er I don't quite understand, never been in this situation before so
	IG	Okay well I'll just, I'll just put it in straightforward terms. What it means is anything that you do say can later on be used in court when there is any proceedings but if there is anything that is not said today and then later on in a court proceedings, if it is brought up then, then that could be an inference can be made against that
	JP	Okay
	IG	That's all that really means. Are you willing to continue with the interview? Thanks. that you do say can later on be used in court when there is any proceedings but if there is anything that is not said today and then later on in a court proceedings, if it is brought up then, then that could be an inference can be made against that
	JP	Okay
	IG	Thats all that really means. Are you willing to continue with the interview? Thanks. You can see on the desk here copies of the Police and Criminal Evidence Act and you can consult those anytime that you wish that just governs how the interview is conducted so disclosure of the evidence. You are here to be interviewed today in relation to suspected breach of condition 6, 13 and 15 of the premises licence for the Clockhouse pub, breached on the 26 May 2018. Can you just say your full name please?
	JP	John Robert Patrick
	IG	Okay, and your current full address?
	JP	The Clockhouse Pub
	IG	Okay, your date of birth?
	JP	4.12.89

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1997

1998

1999

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2001

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
	IG	And do you know your National Insurance Number?
	JP	I don't
	IG	Okay. What is your current position at the Clockhouse pub
	JP	I'm the manager
	IG	Right so, I'm just going to pass you onto Michael who is going to ask you one or two more questions, thanks
	MG	Okay, John can you confirm, oh you've just done it, you're the manager of the Clockhouse so you've done that
	JP	Yes
	MG	Were you the manager on the 26 th May 2018?
	JP	I was
	MG	And your premises licence is issued under the Licensing Act 2003 and it's number is 009086. Do you have a full copy of that licence?
	IG	Or is there one on site?
	JP	Yeah
	IG	At the clockhouse
	JP	Yes
	MG	When did you last read it?
	JP	Er, probably 18/19 months ago when I was, when I took the job on
	MG	Are you aware that it has got various different conditions on there that you have to do regarding noise and control of noise
	JP	Yes
	MG	Who was in charge on the 26 th May
	JP	Myself
	MG	What instructions had you been given prior to that night?

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
	JP	Erm, well when I first, when I first took the job, Paul outlined obviously he had had some, I don't know exactly what had happened with the previous manager but he had had some issues, I believe these, I don't know allegations were brought up and dealt with in court from the previous managers cos when they was in charge he just outlined to me the importance of the licence. Obviously the licensing laws, the premises licence, outlined to me that the noise complaints had been an issue in the past
	MG	Hmmm mmm
	JP	And to you know to make sure it was a very very important thing that we deal with it properly and control it well
	MG	<p>Okay, what did you do, did he say anything in particular that you could do to try and control the noise</p> <p>He made sure that, well he told me to make sure that all, any music was off for 11.30 at the latest, at the weekend obviously. On a normal day we are shut at 11.30 but a weekend all music, background music included is off for 11.30. He told me to control the volumes within, within the premises and that evening included me at first going back a couple of years, going outside to check the volume so I knew what the audible level was suitable so that you couldn't hear it from the street or from any of the residents so we actually did that quite quite some time ago and I fully, I fully admit that I have controlled it very well obviously this incident that we are going to talk about is obviously that's happened but in the whole two years that I have been there we've never had anything and obviously here today to discuss the other one</p>
	MG	Okay thank you. Can you explain what previous experience you had of being in charge of licensed premises before 26 May
	JP	Oh before 26 th May I was, well I've been in charge since November 2016
	IG	About 18 months you've been
	JP	Yeah...just yeah, prior to that I had no experience. I got my own licence so obviously then took this on but I had no experience of managing a premises licence before that
	MG	And what training have you received in relation to the premises licence?
	JP	I did my own. Licensing course obviously which I've got, then the only training that I've had with regards to keeping is from Paul

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
		directly. He drilled it into me for the first, I would probably say 4/5/6 months you know how important these were, especially on the back of the complaint, the offence that he committed before I was in charge, on the back of that because that happened within the first few months of me being there as in the court case, the offence was prior, but on the back of that he was extremely, you know he drilled it into me. Absolutely would tell me exactly what I needed to do
	IG	Did he say anything about the noise monitoring for instance and explain to you what he wanted you to do for that
	JP	The noise monitoring
	IG	You mentioned about the inaudibility condition that you were aware of so what did he ask you to do to try and comply with that
	JP	Well like I say the first initial practice if you like, obviously I have never, the pubs a big place, it gets loud, it gets busy. I literally went off the premises so I could, well obviously I didn't have a monitor or a meter but we tested to see if you could hear it, when I was happy with the levels on the juke box and on the dj side of things, I was happy that as long as it didn't go above that level we were happy that residents couldn't hear and everything was fine, he just
	IG	So that was done on the one occasion then, is there a procedure for instance that means that you need to check on that daily or nightly or weekly or what
	JP	We have a DJ what Friday and Saturday night and I have to just monitor the volume constantly
	IG	Is that internally you monitor it or you go out?
	JP	Yeah internally, obviously the doors are religiously closed but they swing open for people going for cigs
	IG	Yeah people going in and out that's fine
	JP	Obviously and if it becomes, I don't know I'm a smoker myself if I go outside and I can hear it particularly loud I go and turn it down straight away or I tell the DJ to do so. That really doesn't happen that often I must be honest, it maybe did at first until we got him controlled cos he likes to play it as loud as he can
	IG	Yes but you've not, what I'm getting at is you have not had training to say that every day you will go out and you will go and

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
		monitor around these points here and you will write this down
	JP	No
	IG	Your training hasn't gone to those kind of
	JP	Not not at all
	IG	No
	JP	Not at all
	IG	Carry on?
	MG	Right
	JP	Yes
	MG	How long have you worked in the Clockhouse?
	JP	Since November 2016
	MG	And what are your usual responsibilities and duties?
	JP	Everything. To narrow it down I manage the staff, manage the orders, the everything, everything that comes with running a pub
	MG	Okay
	JP	The safety of it, the everything
	MG	So who was responsible for ensuring compliance of the licence conditions that night?
	JP	Myself
	MG	Condition 6 of your licence states that all windows and doors will be closed at 10.30pm. Well it says hours but, 10.30pm. Officers saw that both internal and external doors were left open when they visited. Did you try to take any measures to ensure that that condition was being met and that those doors and windows were closed?
	JP	All I have got to do in this instance is hold my hands up and say that for the first time in all that time I have missed it. It was exceptionally busy, the room was obviously very warm, I know they were closed at 10pm so following that it looks to be that a customer or somebody, maybe the DJ has wedged them open, I

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
		can only believe because of the heat inside that room and I hold my hands up, I missed, I missed that that had happened, I didn't see it, otherwise I would have closed it. I can only apologise for that, I can only you know hold my hands up and say that I have missed that. I don't I religiously make sure they're closed. That night yourselves were there, you saw how busy we were and I have just, I've just missed it. I certainly didn't wedge it open, somebody has but they were closed at 10pm and they've been opened.
	IG	Well you said earlier, you had not been given training that meant that you would have needed to have gone out and listened to anything anyway
	JP	No
	IG	So if you had been you might have picked up on that anyway
	JP	Yeah yeah yeah
	MG	Condition 13 in licence states regulated entertainment should be inaudible at the nearest noise sensitive premises. Officers were at the complainants house and were able to hear the music clearly between 11pm and 11.20pm at a level that was enough to disturb sleep and be a statutory nuisance. What measures did you do to check for compliance that night
	JP	Again, this, this night we don't have loud music in that room, it was a, I think we I'm sure it was the champions league final in the other room and a Lowfields School reunion in that room with their own DJ, not our resident DJ and what I had obviously not appreciated is how loud in that room the music can be compared to the other room and its controlled cos there is doors on every side so its shut. That one, I hadn't, because I had never had it in there before I had never appreciated how loud that could be so to me the volume inside was appropriate before the hours of we had to do but externally I wasn't aware that that would be affecting anybody so in hindsight I could have controlled that by 1. Making sure that those doors were shut which would have controlled it. If I had noticed that, that would have been 100% what I would have done. Secondly I may have asked him to turn it down. He maybe, even though I make him aware of the volumes that he can and can't do it wasn't our normal DJ and it maybe went a bit high. Again I was so busy, sometimes I didn't, I just didn't quite think about the situation
	IG	But part of your procedures were, like as Manager, part of your procedures isn't to go outside and make any recordings and

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
		listen, thats not been
	JP	No
	IG	part of your requirements
	JP	Not at all
	IG	No
	MG	Basically that's the next question as well isn't it
	IG	Yes so, basically no specific noise monitoring was carried out to check any of the compliance in front of the facades that night then?
	JP	No
	IG	Fine
	MG	The next one is to do with condition 15, the outside tables were checked at 11.25 by officers and it was noted that none of them had been cleaned and cleared which is a requirement of the licence. Glasses were outside on the tables. Why was this condition not complied with?
	JP	Are you sure there was glasses and not plastic glasses?
	IG	All you could see from walking round the ground, you could just see there were lots of tables that still had things on them
	JP	Yes
	IG	So whether they were glass or plastic....
	MG	Still there
	IGwithout looking closely
	JP	Cos we give them plastic glasses outside you see after 10 o' clock, no after 9 o' clock. The children obviously have to leave at half past seven, in the summer people stay out till its light, they sit outside, that's, that's what they do so in order to to protect people and make sure its safe I give them plastic glasses if they're sitting outside early on. You know obviously we get them inside for the noise side of it at 10 o'clock so we get them inside but are you sure, I wouldn't have thought, my staff are really on the ball with that, I've really drilled it into them I wouldn't have thought there

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
		would be glasses there
	IG	Cos I know that from the ??? it looked like there were glasses, whether they were plastic or not I mean it looked like there were, I don't know how many tables were out there but...
	JP	60
	IG	...they all had lots of things on there
	JP	Rubbish
	IG	So it hadn't been cleaned and cleared as such but you differentiate between glass glass and a plastic one and if its plastic then you just get it at the end of the night
	JP	And put it in the bin
	IG	Is that how it works, right
	JP	Yeah so at the end of the night we go round with a rubbish bag and put it in the bin
	IG	Right
	JP	Whereas that's exactly why we do that because otherwise you're constantly going outside and collecting glasses so we I very much doubt, obviously I can't prove that but I very much doubt they were glass glasses and at the end of the night we would clear it, clear it up, again we were exceptionally busy that night
	MG	Okay, final question. What reasonable excuse do you have for the breaches of Condition 6, sorry 6, 13 and 15.
	JP	I feel what I have already said is that, it's not really an excuse. The doors I hadn't noticed, I had shut them. I made sure they were shut for 10, I hadn't noticed they had been opened so that's not really an excuse apart from the fact that I was so busy I had missed it. 13 is again I hadn't appreciated how loud that room could be and how it could affect. I must add that obviously it has affected a member of the public that has obviously complained. There is also quite a lot of residents round there that didn't complain so I don't know how loud it was but again the reasonable excuse is that I hadn't appreciated. I feel that if the doors would have been shut and I'd have noticed that, that wouldn't have happened
	IG	Yeah

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
	JP	So I think it was appropriate level but the door should have been shut
	IG	Do you feel you might have done something different that night if your training had involved, right as part of your duties each night you will go out on a number of occasions and check near to the houses so you can see how loud they are and turn it down each way if you had had some training like that do you think that would have improved things from your side
	JP	Yeah
	IG	Yeah
	JP	I do yeah.
	IG	Yeah
	JP	I am, yeah I don't really. A reasonable excuse is a funny sort of statement isn't it? A reasonable excuse...
	MG	Yes ...it's just a genuine mistake
	MG	Yeah
	JP	More than anything
	MG	Okay,
	IG	Okay we will just clarify before finishing up, so in relation to 26 th May you explained about the licensing training you've had you obviously received your licence, how did you phrase it now, not licence holder,
	JP	Designated premises supervisor
	IG	You had some training what was your licence training that you mentioned about
	JP	I had my lice, I did my
	IG	Your lic
	JP	Personal licence

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
	IG	Personal licence, sorry that's the phrase I was looking for
	JP	Yes
	IG	So you have done your personal licence....
	JP	Yes]
	IG	...And that was in your training
	JP	That was before I started, well before
	IG	Otherwise you, as you explained you had it drilled into you by Paul about the conditions on there but there was no additional training in terms of how the noise monitoring needed to have been done and things like that. You have confirmed that as manager you are responsible for ensuring that the breaches, sorry that the licence was complied with on that night, 26 th May. You've explained what you tried to do on that night to avoid any breach of those conditions
	JP	I must add that since meeting you and receiving the letter the what's it called, the
	IG	Appendix, appendices
	JP	I can't remember what its called on the letter
	IG	The abatement notice
	JP	Yes the abatement notice. I have made sure without fail I have been completely making sure that these breaches never happen again. I have you know also informed all the staff, I mean they don't need to know every single breach on the licence. They don't need to know every single premises licence detail but I have made sure that they know exactly what time things need to be done and what levels and they know as well now so that its not all on me you know so if I'm not there
	IG	Yes
	JP	If I've been on holiday, Pauls not around, or you know the licensee Cheryl's not around I don't know but make sure that these are religiously kept
	IG	So since that when you started as Manager 18 months ago you said you'd had a read through the licence. Has there been any stage at all where Paul sat you down and tried to go through

Record of tape recorded interview of John Robert Patrick

Tape counter times	Person speaking	Text
21:25		different conditions on there and about what's needed to be complied with or did he just let you get on with it?
	JP	Only in the first few months of, well we were discussing contracts and me hours and things like that he you know he made it very clear, that this was something, it's a rule book basically John, you've got a rule book that you follow, you do have to do all this but this is very important. You do that but this comes first. It was on the back of the complaint he had had, the prosecution before he wanted to make sure that the new manager was doing it properly so that he didn't get that situation again
	MG	That situation
	JP	That's why its very disappointing this on my behalf because I've been so religiously doing this nearly two years and I've had one. one night and one complaint and it's, it's frustrating because I religiously make sure that everything is fine and I'm a bit disappointed but such is life
	IG	Okay great thank you for that. There is nothing else you particularly want to add other than what we have already talked about
	JP	Not really, no. If it means anything I will ensure that this never happens again but that's all really at this stage
	IG	Right okay. Anything else you want to add Michael?
	MG	No no no no
	IG	This is a copy of the notice I mentioned early on, if you could just read the number to me in the top right corner?
	JP	20327
	IG	Great thanks. So just remind me your middle name was Robert was it?
	JP	Robert
	IG	Just fill in the details. If you could just sign underneath your name for me there please? Great thank you. Michael if you could just sign there next to that one. Right well the interview is now at an end, the time is 12:36 and I am switching off the recorder.

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF James Clay

Age of witness (if over 18 , enter "over 18"): Over 18

This statement (consisting 3 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

I am a Neighbourhood Enforcement Officer employed by the City of York Council in their community safety hub. One of the requirements of the job is to investigate noise nuisance and take action to ensure compliance with abatement notices. I have been employed by the City of York Council for over 14 Years and investigated 1000's of noise complaints. I am authorised to enforce the Environmental Protection Act 1990.

On the 26 May 2018 I was staffing the City of York Councils noise patrol service with my colleague Mr Ian GRAY, Environmental Health Officer. The service received a complaint regarding loud music and raised voices alleged to be emanating from the The Clockhouse, Kingsway West, York, YO24 3BA affecting a local resident.

At 22:50 I arrived in Kingsway West and headed to the complainants property with my colleague, at the front door I could hear loud music, the music was loud enough to indentify the song as "I've got a feeling" by the Black Eyed Peas. I entered the complainants property and at 22:54 I witnessed the music in the lounge, the bass beat was audible in this room.

At 23:00 I moved to the front bedroom of the property to assess the impact the noise would have on the ability to sleep in this room. The bass beat from the

Continuation statement of James Clay

music was audible in the bedroom and voices from patrons of the Clockhouse.

At 23:02 I noticed the volume of the music had dropped slightly, it was still loud enough to identify the song and artist, "Wake me up before you go go" by Wham.

At 23:08 the music volume had remained the same, at this point the complainant was asked to open a bedroom window to allow for ventilation, on opening the window the volume of the music was very noticeable and could hear "Sweet Caroline" lyrics.

At 23:13 the song changed, the song with the lyrics "Penny Arcade" could be heard.

At 23:18 the song changed, the new song was identified as "9 to 5" by Dolly Parton

At 23:20 The song changed, the new song was identified as "Come on Eileen" by Dexys Midnight Runners.

I considered this music to be at an unreasonable level for the time of night and would have affected the ability to sleep in the bedroom of the complainants property. It was my opinion that the music constituted a statutory noise nuisance as defined in the Environmental Protection Act 1990.

I left the complainants property and visited the Clockhouse, before I entered the property I accompanied Mr Gray on a walk around the perimeter of the property, Mr. gray wanted to check on compliance with licensing conditions.

At 23:30 I entered the Clockhouse, the music was loud outside the premises and the doors in the acoustic lobby were held open. On entering the premises I approached the bar area and Mr Gray asked to speak to the licensee. After a short time a male approached me and announced they were responsible for the

Continuation statement of James Clay

premises that evening. Mr Gray explained that the music was too loud for the time of night and that the acoustic lobby was not operating correctly due to the doors being propped open. The male stated that the doors were open due to the heat within the premises. I stated that this was not a valid reason to cause a noise problem and if they do have issues with temperature control in the property they should invest in air conditioning.

Mr Gray asked that the music be reduced and that the doors closed to contain the noise, Mr Gray also stated that he would be following up the incident in the next working week.

We left the property and continued on our duties on the noise patrol service.

Signed: *SVH* (witness)

Date: *25 / 7 / 2018*

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Craig Delorenzo

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

I am a Neighbourhood Enforcement Officer for the City of York Council, I am authorised to enforce the provisions of the Environmental Protection Act 1990. I have been investigating antisocial behaviour complaints since October 2005. During this time I have investigated many hundreds of complaints and have taken enforcement action where appropriate. I hold a Degree in Biological Sciences a Masters Degree in Environmental Health. I am an Accredited Associate Member of the Chartered Institute of Environmental Health and an Associate Member of the Institute of Acoustics.

On the evening of Saturday the 27th October 2018 and into the early hours of Sunday the 28th October 2018, I was staffing the Council's Noise Patrol Service with Jane Mowat, Head of Community Safety. This service responds to complaints regarding noise nuisance and antisocial behaviour. The service received a complaint of loud music coming from the Clock House on Kingsway West, York, YO24 3BA from a resident of Kingsway West at 22:15.

Jane Mowat and I visited the complainant's property at 22:55 on the 27th October 2018. Music could be heard playing from the Clockhouse pub on Kingsway West, no other sources of music could be heard. On entering the property I went into the living room. Dance music with a heavy bass beat could intermittently be heard coming from the Clock House with the windows shut in this room.

I then went into the bedroom; the window for the bedroom overlooked the entrance to the Clockhouse. The music appeared slightly louder in the bedroom and less intermittent. At 22:59 I noticed a break in the music which started again at 22:59:20 and continued for 1 minute and 15 seconds. There was then a break in the beat until 23:04. At 23:04 I could just about hear the sound of the bass beat but was very quiet. At 23:05 I noted that the bass was quicker and slightly louder. At 23:07 I noted that the bass was still audible but intermittent. At 23:08 I noted that the bass was audible and there were a number of people talking outside of the Clockhouse. I continued to monitor the noise inside the bedroom until 23:11 and could hear bass from the Clockhouse pub.

Shortly after Jane Mowat and I left the complainant's property and we walked outside the Clockhouse pub. I saw that the premises have a large outer door

Continuation statement of Craig Delorenzo

which at the time were kept continuously open. This then led into a lobby and there was at least one door off this lobby. This door led into the main bar area where there was loud music playing and flashing disco lights. When this internal door was opened by customers coming and going there was a noticeable increase in the level of noise outside of the premises.

Signed: (witness)

Date: 6th November 2014

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF Jane Mowat

Age of witness (if over 18 , enter "over 18"): Over 18

This statement (consisting 1 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

I am Head of Community Safety and as such manage the Neighbourhood Enforcement Team responsible for the Council's Noise Patrol Service.

On the evening of Saturday the 27th October 2018 and into the early hours of Sunday the 28th October 2018, I was staffing the Council's Noise Patrol Service with Craig Delorenzo, Neighbourhood Enforcement Officer. This service responds to complaints regarding noise nuisance and antisocial behaviour. The service received a complaint of loud music coming from the Clock House on Kingsway West, York, YO24 3BA from a resident of Kingsway West at 22:15.

Craig Delorenzo and I visited the complainant's property at 22:55 on the 27th October 2018. On arrival at the property, loud music could be heard playing from the Clockhouse Public House on Kingsway West, no other sources of music could be heard. On entering the property I went into the living room where music with a heavy bass beat could intermittently be heard. The source of the music was The Clockhouse Public House.

I then went into the bedroom; the bedroom window overlooked the entrance to the Clockhouse. The music was slightly louder in the bedroom but continuous. At 22:59 the music appeared to stop for a minute. At 23:04 the base beat was audible but not as loud as it had been when I first entered the bedroom. At 23:05 the volume of the bass was louder and quicker. At 23:07 the bass was still audible but intermittent. At 23:08 I noted that the bass was audible and I was also aware of people talking outside the Clockhouse. I continued to monitor the noise inside the bedroom until 23:11 and could clearly hear bass from the Clockhouse pub.

On leaving the complainant's property Craig Delorenzo and I walked across to the Clockhouse Public House. The property has an large outer door which were open. This then led into a lobby and a further internal door. This door led into the main bar area where there was loud music playing and flashing disco lights. As customers entered and exited the main bar area through this internal door, the noise level outside from the music increased significantly.

Signed: JEMowat (witness)

Date: 8/11/18

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370

REGISTER for 06/07/2016 (AM) Court York Magistrates' Court

Paul Edward HARRIS

174 Moor Lane

Dringhouses

York

YO24 2YZ

DOB: 07/02/1968 Age: 48

Gender: Not specified

Case Number: **1600096547**

Defendant Present: Yes

Attending Solicitor: NOT REPRESENTED

Informant: YCC York City Council

Post-Hearing Custody Status:

1

LG03028

On 29/01/2016 at York carried on a licensable activity, namely Condition 6 of Annex 2 of the Premises Licence that 'All windows and doors be closed at 22:30hours', on or from premises, namely the Clockhouse, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

ASN/Seq No.: 1600000000000545194/J/001

Plea: Guilty - 06/07/2016

NSP

No separate penalty.

2

LG03028

On 29/01/2016 at York carried on a licensable activity, namely condition 13 of Annex 3 of the Premises Licence that 'Regulated entertainment shall be inaudible at the nearest noise sensitive premise', on or from premises, namely the Clockhouse, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

ASN/Seq No.: 1600000000000545194/J/002

Plea: Guilty - 06/07/2016

FO

Fined £1500.00.

FVS

To pay a surcharge to fund victim services of £120.00.

FCOST

To pay costs of £1377.15.

COLLO

Collection order made.

DIRS

Directions: DEFENDANT TO SURRENDER PERSONAL LICENCE TO LOCAL AUTHORITY WITHIN 7 DAYS.

NSP

No separate penalty.

3

LG03028

On 01/08/2015 at York carried on a licensable activity, namely Condition 6 of Annex 2 of the Premises Licence that 'all windows and doors be closed at

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370
 REGISTER for 06/07/2016 (AM) Court York Magistrates' Court

22:30hrs', on or from premises, namely the Acomb Hotel, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.
 ASN/Seq No.: 1600000000000545194J/003

Plea: Guilty - 06/07/2016

4

LG03028

On 01/08/2015 at York carried on a licensable activity, namely Part 1 of the Premises Licence that Facilities for Dancing were provided outside of the permitted times, on or from premises, namely the Acomb Hotel, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.
 ASN/Seq No.: 1600000000000545194J/004

Plea: Guilty - 06/07/2016

NSP

No separate penalty.

5

LG03028

On 01/08/2015 at York carried on a licensable activity, namely Condition 5 of Annex 2 of the Premises Licence that 'music will be turned down to background level at 23:30hrs', on or from premises, namely the Acomb Hotel, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.
 ASN/Seq No.: 1600000000000545194J/005

Plea: Guilty - 06/07/2016

NSP

No separate penalty.

6

LG03028

On 31/05/2015 at York carried on a licensable activity, namely Condition 3 of Annex 3 of the Premises Licence that 'regulated entertainment shall be inaudible at the nearest sensitive premise', on or from premises, namely the Acomb Hotel, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.
 ASN/Seq No.: 1600000000000545194J/006

NSP

No separate penalty.

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370

REGISTER for 06/07/2016 (AM) Court York Magistrates' Court

Plea: Guilty - 06/07/2016

7

LG03028

On 31/05/2015 at York carried on a licensable activity, namely Condition 6 of Annex 2 of the Premises Licence that 'all windows and doors will be closed at 22:30hrs', on or from premises, namely the Acomb Hotel, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

ASN/Seq No.: 1600000000000545194J/007

NSP

No separate penalty.

Plea: Guilty - 06/07/2016

8

LG03028

On 31/05/2015 at York carried on a licensable activity, namely Condition 5 of Annex 2 of the Premises Licence that 'music will not be turned down to background level at 23:30hrs', on or from premises, namely the Acomb Hotel, Kingsway West, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

ASN/Seq No.: 1600000000000545194J/008

NSP

No separate penalty.

Plea: Guilty - 06/07/2016

Time To Pay: To be paid by 20/07/2016

BALANCE

2,997.15

I certify the above extract to be a true copy

Date Printed: 07/02/2019

of the said Magistrates' Court.

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370
REGISTER for 15/01/2019 (PM) Court York Magistrates' Court

CLOCKHOUSE PARTNERSHIP LTD

C/O 119 BRECKSFIELDS
 SKELTON
 YORK
 YO30 1YE

Case Number: **1800215434**

Defendant Present: Yes

Informant: YCC York City Council

Post-Hearing Custody Status:

1 LG03028

On 26/05/2018 at THE CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely ALL WINDOWS AND DOORS WILL BE CLOSED AT 22:30 HRS, on or from premises, namely THE CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.
 Contrary to section 136 of the Licensing Act 2003.

Plea: Guilty - 15/01/2019

FO

Fined £2000.

2,000.00

FVS

To pay a surcharge to fund victim services of £170.

170.00

FCOST

To pay costs of £1069.26.

1,069.26

COLLO

Collection order made.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

DDCH

Defendant's personal details changed.

2 LG03028

On 26/05/2018 at THE CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely REGULATED ENTERTAINMENT SHALL BE INAUDIBLE AT THE NEAREST NOISE SENSITIVE PREMISES, on or from premises, namely THE CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.
 Contrary to section 136 of the Licensing Act 2003.

Plea: Guilty - 15/01/2019

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

3

LG03028

On 26/05/2018 at THE CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely ALL EXTERNAL DRINKING AREAS SHALL BE VACATED CLEARED AND CLEANED BY 22:00 HRS, on or from premises,

NSP

No separate penalty.

GPTAC

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370

REGISTER for 15/01/2019 (PM) Court York Magistrates' Court

namely THE CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003. Contrary to section 136 of the Licensing Act 2003.

Defendant's guilty plea taken into account when imposing sentence.

Plea: Guilty - 15/01/2019

4

EP90043

On 27/10/2018 at YORK having been served with an abatement notice under section 80(1) of the Environmental Protection Act 1990 by YORK CITY COUNCIL, without reasonable excuse contravened or failed to comply with a requirement, namely REQUIRING THAT THE NOISE FROM LOUD AMPLIFIED MUSIC AT CLOCKHOUSE KINGSWAY WEST YORK AFFECTING OCCUPANTS OF NEARBY RESIDENTIAL PROPERTIES BE ABATED, imposed by the notice.

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

Contrary to section 80 of the Environmental Protection Act 1990.

On 27/10/2018 at YORK, the defendant having been served with an abatement notice under section 80(1) of the Environmental Protection Act 1990 by YORK CITY COUNCIL, he without reasonable excuse contravened or failed to comply with a requirement, namely REQUIRING THAT THE NOISE FROM LOUD AMPLIFIED MUSIC AT CLOCKHOUSE KINGSWAY WEST YORK AFFECTING OCCUPANTS OF NEARBY RESIDENTIAL PROPERTIES BE ABATED, imposed by the notice.

Plea: Guilty - 15/01/2019

5

LG03028

On 27/10/2018 at CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely ALL WINDOWS AND DOORS WILL BE CLOSED AT 22:30 HRS, on or from premises, namely CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003. Contrary to section 136 of the Licensing Act 2003.

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

Plea: Guilty - 15/01/2019

Time To Pay: £400.00 per month commencing 12/02/2019

BALANCE

3,239.26

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370
REGISTER for 15/01/2019 (PM) Court York Magistrates' Court

I certify the above extract to be a true copy

Date Printed: 07/02/2019 _____ of the said Magistrates' Court.

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370

REGISTER for 15/01/2019 (PM) Court York Magistrates' Court

Paul Edward HARRIS

174 Moor Lane

Dringhouses

York

YO24 2YZ

DOB: 07/02/1968 Age: 50

Gender: Not specified

Case Number: **1800215345**

Defendant Present: Yes

Informant: YCC York City Council

Post-Hearing Custody Status:

1

LG03028

On 26/05/2018 at THE CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely ALL WINDOWS AND DOORS WILL BE CLOSED AT 22:30 AND THE OFFENCE WAS COMMITTED WITH YOUR CONSENT OR CONNIVANCE OR WAS ATTRIBUTABLE TO YOUR NEGLIGENCE.

, on or from premises, namely THE CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

Plea: Guilty - 15/01/2019

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

2

LG03028

On 26/05/2018 at THE CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely REG'D ENTERTAINMENT SHALL BE INAUDIBLE AT THE NEAREST NOISE SENSITIVE PREMISES WITH YOUR CONSENT, CONNIVANCE OR WAS ATTRIBUTABLE TO YOUR NEGLIGENCE. , on or from premises, namely THE CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

Plea: Guilty - 15/01/2019

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

3

LG03028

On 26/05/2018 at THE CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely ALL EXTERNAL DRINKING AREAS TO BE VACATED, CLEARED AND CLEANED BY 22:00 COMMITTED WITH YOUR CONSENT, CONNIVANCE OR WAS ATTRIBUTABLE TO YOUR NEGLIGENCE. , on or from premises, namely THE CLOCKHOUSE KINGSWAY WEST YORK,

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370

REGISTER for 15/01/2019 (PM) Court York Magistrates' Court

otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

Plea: Guilty - 15/01/2019

4

EP90043

On 27/10/2018 at YORK having been served with an abatement notice under section 80(1) of the Environmental Protection Act 1990 by YORK CITY COUNCIL, without reasonable excuse contravened or failed to comply with a requirement, namely THAT NOISE FROM LOUD AMPLIFIED MUSIC AT CLOCKHOUSE KINGSWAY WEST YORK EFFECTING OCCUPANTS OF NEARBY RESIDENTIAL PROPERTIES BE ABATED., imposed by the notice. Contrary to section 80 of the Environmental Protection Act 1990.

On 27/10/2018 at YORK, the defendant having been served with an abatement notice under section 80(1) of the Environmental Protection Act 1990 by YORK CITY COUNCIL, he without reasonable excuse contravened or failed to comply with a requirement, namely THAT NOISE FROM LOUD AMPLIFIED MUSIC AT CLOCKHOUSE KINGSWAY WEST YORK EFFECTING OCCUPANTS OF NEARBY RESIDENTIAL PROPERTIES BE ABATED., imposed by the notice.

Plea: Guilty - 15/01/2019

5

LG03028

On 27/10/2018 at CLOCKHOUSE KINGSWAY WEST YORK carried on a licensable activity, namely ALL WINDOWS AND DOORS WILL BE CLOSED AT 22:30 HRS OFFENCE COMMITTED WITH YOUR CONSENT OR CONNIVANCE OR WAS ATTRIBUTABLE TO YOUR NEGLIGENCE., on or from premises, namely CLOCKHOUSE KINGSWAY WEST YORK, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003.

Contrary to section 136 of the Licensing Act 2003.

Plea: Guilty - 15/01/2019

NSP

No separate penalty.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

FO

Fined £1500.

1,500.00

FVS

To pay a surcharge to fund victim services of £150.

150.00

COLLO

Collection order made.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

NCOSTS

No order for costs.

Time To Pay: £400.00 per month commencing 12/02/2019

BALANCE

1,650.00

MEMORANDUM of an ENTRY entered in the REGISTER of the North Yorkshire Magistrates' Court LJA: 2370
REGISTER for 15/01/2019 (PM) Court York Magistrates' Court

I certify the above extract to be a true copy

Date Printed: 29/01/2019 _____ of the said Magistrates' Court.

1. Notices will be displayed at the exits and smoking areas asking customers to leave the premises quietly and to keep noise down when stood outside.

Current condition 6 of Annex 2, (All windows and doors will be closed at 22:30 hours), shall be amended to:

2. During the operation of amplified music and/or regulated entertainment, all doors, including fire doors, shall be kept shut other than when being used for ingress or egress.

3. An alarm system shall be installed and be operational during hours of opening to the public which alerts staff when the external side door facing Kingsway West has been left open.

4. Documented patrols shall be carried out by members of staff at no less than hourly intervals between 22:00 and closing time. These checks shall be undertaken outside the building to the front and side to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with Condition 6. The documentation of patrols shall be made in the course of the patrol or on completion of each patrol. The patrol documents shall be kept for a minimum of 3 months and made available to the Licensing Authority or any responsible authority on reasonable request.

5. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Such training will be refreshed and documented every 6 months and records of training shall be kept for 3 years and they will be made available upon a reasonable request by any responsible authority.

Current condition 13 of Annex 3 (Regulated entertainment shall be inaudible at the nearest noise sensitive premise) shall be amend to:

6. No music or amplified sound shall be audible at the boundary of the nearest residential dwellings after 23.00.

7. Bottle bins will only be emptied between 09:00hrs and 23:00hrs.

8. The emptying of bins into skips and refuse collections will not take place between 23:00hrs and 07:00hrs.

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

Also, condition 5 of Annex 2: (Music will be turned down to background level at 23:30 hours), can be removed as this is only replicating the times authorised by the Licence.



LICENSING ACT 2003
PREMISES LICENCE

Schedule 12
Part A

Part 1 Premises details

Premises licence number
CYC - 009086

Postal address of premises:

Clockhouse
Kingsway West
Acomb

Post town: **York**

Post code: **YO24 3BA**

Telephone number: 01904 791151

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Indoor sporting events
 Live Music
 Recorded Music
 Late Night Refreshment
 Supply of Alcohol

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

INDOOR SPORTING EVENTS

Monday
11:00 - 23:30

Tuesday
11:00 - 23:30

Wednesday
11:00 - 23:30

Thursday
11:00 - 23:30

Friday
11:00 - 23:30

Saturday
11:00 - 23:30

Sunday
10:00 - 23:30

LIVE MUSIC

Indoors

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30	

RECORDED MUSIC

Indoors & Outdoors

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30	

SUPPLY OF ALCOHOL

Monday 11:00 - 00:00	Tuesday 11:00 - 00:00	Wednesday 11:00 - 00:00	Thursday 11:00 - 00:00
Friday 11:00 - 00:00	Saturday 11:00 - 00:00	Sunday 10:00 - 00:00	

Non Standard Timings for: Indoor Sporting Events, Live Music, Recorded Music, Late Night Refreshment and Supply of Alcohol:

One additional hour at the end of trading for - Christmas Eve, Boxing Day, Bank Holiday Friday, Saturday, Sunday and Maundy Thursday.

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Opening Hours of the Premises

OPENING HOURS	Tuesday 11:00 - 00:30	Wednesday 11:00 - 00:30	Thursday 11:00 - 00:30
Monday 11:00 - 00:30			
Friday 11:00 - 00:30	Saturday 11:00 - 00:30	Sunday 10:00 - 00:30	

Non Standard Timings:

One additional hour at the end of trading for Christmas Eve, Boxing Day, Bank Holiday Friday, Saturday, Sunday and Maundy Thursday.

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

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

On and off the premises

Part 2

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

Name: Mr Paul Edward Harris

Address: Clockhouse
Kingsway West
Acomb
York
YO24 3BA

Telephone number: 01904 791151

Email address: None

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

Name: Mr Paul Edward Harris

Address: Clockhouse
Kingsway West
Acomb
York
YO24 3BA

Telephone number: 01904 791151

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

City of York Council
CYC-010331

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require or encourage individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that –

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125ml;

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

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

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$ where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE

Children

1. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - a) He is the child of the holder of the premises licence.
 - b) He resides in the premises, but is not employed there.
 - c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Credit Sales

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

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal, or
- a) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- a) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Late Night Refreshment

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above.

Private Entertainment

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. CCTV is installed and maintained on the premise.

Public Safety

2. Emergency lighting and fire fighting equipment are available and serviced under a maintenance contract.
3. Inspection certificates are in place for the Gas and Electrical installations.

Public Nuisance

4. Notices are displayed at exits asking customers to respect neighbours and leave quietly.
5. Music will be turned down to background level at 23:30 hours.

6. All windows and doors will be closed at 22:30 hours.

Protection of Children from Harm

7. Children are only allowed on the premise if accompanied and supervised by a responsible adult.

8. All children must vacate the premise by 19:00 hours.

9. Children will be allowed on the premise until 21:00 hours in summer months provided that they are in the beer garden.

10. AWP machines are clearly visible from the bar servery.

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

1. The supply of alcohol shall cease 30 minutes prior to the end of opening hours on each and every day.

12. The licensable activities, Indoor Sporting Events, Live Music and Recorded Music shall cease 60 minutes prior to the end of opening hours on each and every day.

13. Regulated entertainment shall be inaudible at the nearest noise sensitive premise.

14. All off-sales shall be made in sealed containers.

15. All external drinking areas shall be vacated, cleared and cleaned by 22:00 hours.

Annex 4 – Approved Plan

Plan Number 8u

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 13/09/2005
 20/11/2015 (Premise Name Change)

Licensing Services
Hazel Court EcoDepot
James Street
York

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



YO10 3DS

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PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 009086

Postal address of premises:

**Clockhouse
Kingsway West
Acomb**

Post town: **York**

Post code: **YO24 3BA**

Telephone number: 01904 791151

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Indoor sporting events
Live Music
Recorded Music
Late Night Refreshment
Supply of Alcohol

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

INDOOR SPORTING EVENTS

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30	

LIVE MUSIC Indoors

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
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Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30
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RECORDED MUSIC
Indoors & Outdoors

Monday 11:00 - 23:30	Tuesday 11:00 - 23:30	Wednesday 11:00 - 23:30	Thursday 11:00 - 23:30
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Friday 11:00 - 23:30	Saturday 11:00 - 23:30	Sunday 10:00 - 23:30
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SUPPLY OF ALCOHOL

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From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

Name and (registered) address of holder of premise licence:

Name: Mr Paul Edward Harris

Address: Clockhouse
Kingsway West
Acomb
York
YO24 3BA

Name of designated premises supervisor where the premise licence authorises the supply of alcohol:

Mr Paul Edward Harris

State whether access to the premises by children is restricted or prohibited

No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

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- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Children are only allowed on the premise if accompanied and supervised by a responsible adult.

All children must vacate the premise by 19:00 hours.

Children will be allowed on the premise until 21:00 hours in summer months provided that they are in the beer garden.

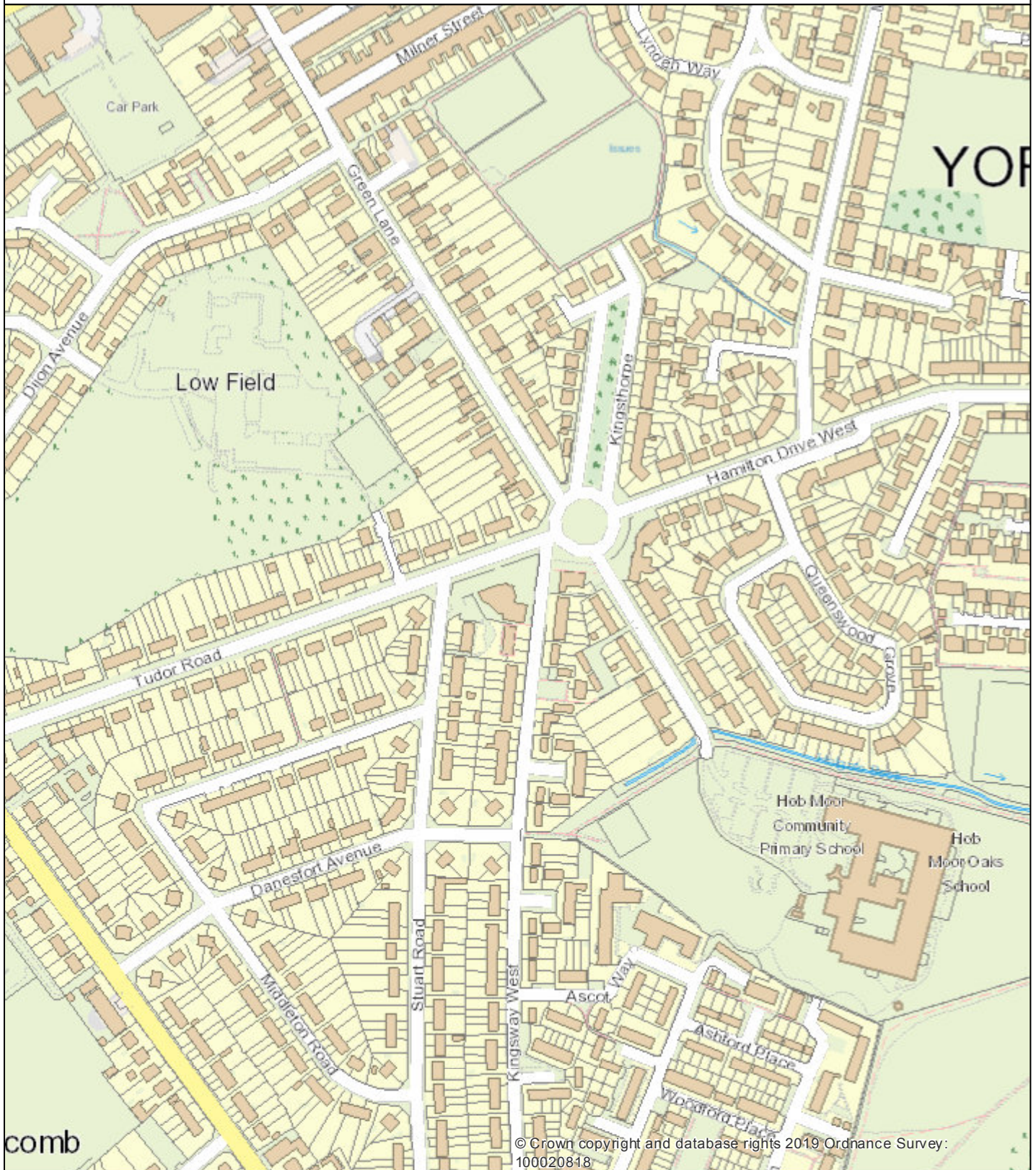
For and on behalf of
The Director of Communities
& Neighbourhoods

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Date: 13/09/2005
20/11/15 (Premise Name Change)

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

The Clockhouse



Date: 27 Feb 2019

Author: City of York Council

Scale: 1:4,000



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Legislation and Policy Considerations

Review of Premises Licence

1. The following provisions of the Licensing Act 2003 are particularly relevant to this application: S4 general duties of licensing authorities; s51 Application for review of premises licence; s52 Determination of application for review; s53 Supplementary provision about review.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 are particularly relevant to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertising of reviews.
3. The following provisions of the Secretary of State's statutory guidance (April 2018) are particularly relevant to this application: Chapter 2 The Licensing Objectives, Chapter 3 Licensable Activities, Chapter 9 Determining Applications, Chapter 10 Conditions attached to premises licences and club premises certificates and Chapter 11 Reviews.
4. The following sections of the licensing authority's statement of licensing policy are particularly relevant to this application: 8.0 Licensing Hours; 11.0 Review of licences.
5. The Sub-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 Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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