

## Licensing/Gambling Hearing

**To:** Councillors Galvin, Mason and Wells

**Date:** Friday, 19 November 2021

**Time:** 2.00 pm

**Venue:** Remote Meeting

### AGENDA

#### 1. Chair

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

#### 2. Introductions

#### 3. Declarations of Interest

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

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

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

#### 4. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**5. The Determination of an Application by Stephanie Powell for a Temporary Event Notice under Section 100 of the Licensing Act 2003 (as amended) in respect of 3-5 St Helen's Square, York, YO1 8QN (CYC-62992)**

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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

- 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**

## **Order of Proceedings at a Remote Hearing for a Temporary Event Notice (TEN)**

Chair's introduction and opening comments

The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Relevant Persons (or their representatives), and establish the identity of all who will be taking part.

The Chair will outline the procedure to be followed.

**Licensing Officer to present the application.** The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

**Relevant Person(s)** (or representative) to make a statement and may call witnesses (15 minutes).

**Questions to the Relevant Person(s)** and witnesses by the Applicant, the Licensing Officer, Legal Adviser (5 mins each) and Members.

**Applicant** (or representative) to make a statement and may call witnesses (15 minutes).

**Questions to Applicant** and witnesses by Relevant Person(s), Licensing Officer, Legal Adviser (5 minutes each) and Members.

**Summaries** - Parties sum up (but not introduce new evidence) in the following order:-

- i. Licensing Officer
- ii. Relevant Person(s)
- iii. Applicant

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.

The Sub-Committee will retire to deliberate its decision in private with their Legal Adviser and the Democratic Services Officer present. This decision and the reasons for it will be communicated to the parties at the earliest opportunity.



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**Licensing Act 2003 Sub Committee****16 November 2021**

Report from the Director – Environment, Transport &amp; Planning

**Section 100 Licensing Act 2003, The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016 and the Police Reform and Social Responsibility Act 2011:**

**Submission of a Temporary Event Notice (TEN) for 3 – 5 St Helen’s Square, York, YO1 8QN.**

**Summary**

1. This report seeks Members’ determination of a Temporary Event Notice (TEN) submitted under the Licensing Act 2003 to authorise the sale by retail of alcohol, provision of regulated entertainment and provision of late night refreshment for a two day event scheduled to take place on 25 & 26 November 2021.
2. Reference number: CYC- 62992
3. Name of premises user: Stephanie Powell
4. Type of authorisation applied for: Temporary Event Notice
5. Summary of application: The nature of the TEN is to allow for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment for a private student society event. The event is scheduled to take place in the restaurant, bar and tea room of Impossible at 3 and 5 St Helen’s Square York on 25 and 26 November 2021 from 22.00 hours until at 03.00 hours for an occupancy of 230 people. These timings are outside the existing premises licence/s permitted licensable hours which terminates at 01.00 hours.

## **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 499.
7. The police and environmental protection officers (EPU) can object to a TEN on the grounds that it would undermine any of the four licensing objectives;
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
8. As a result of an objection conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence/s is attached at Annex 2. Number 3 and number 5 St Helen's Square each have their own premises licence. The TEN applied for states the licensable activities will take place in both number 3 & number 5.

## **Promotion of Licensing Objectives**

11. There is no requirement for a premises user to indicate how the licensing objectives will be met and there is no provision on the TEN application form to allow for this information to be entered.

## **Special Policy Consideration**

12. This premises is located within the special policy area.

## **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary

Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.

14. All procedural aspects concerning the submission of the TEN and the submission of the notices of objection have been complied with.

### **Summary of Objections**

15. An objection to the TEN has been received from North Yorkshire Police on the grounds the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives will be undermined if the event is to take place. A copy of the objection is attached at Annex 3.
16. An objection to the TEN has been received from the Public Protection Team at the City of York Council on the grounds the prevention of public nuisance and the protection of children from harm licensing objectives will be undermined if the event is to take place. A copy of the objection is attached at Annex 4.

### **Options**

17. By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
18. Option 1: Modify the terms of the TEN.
19. Option 2: Issue a counter notice refusing authorisation of the TEN.
20. Option 3: Choose not to issue a counter notice

### **Analysis**

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

## **Council Plan**

25. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
26. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

## **Implications**

27.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the objectors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none



## **Risk Management**

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

## **Recommendations**

30. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

## **Contact Details**

### **Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

### **Chief Officer Responsible for the report:**

James Gilchrist  
Director Environment, Transport & Planning

**Report  
Approved**



**11.11  
.2021**

### **Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall**

**Annexes:**

**Annex 1** - Copy of TEN

**Annex 2** - Copy of Premises Licence/s

**Annex 3** - Copy of objection North Yorkshire police

**Annex 4** - Copy of objection Public Protection

**Annex 5** - Legislation and Policy Considerations



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

**Temporary Event Notice**

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	POWELL
Forenames	STEPHANIE JAYNE
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Date
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
FLAT 14 BOOTHAM COURT BOOTHAM TERRACE	
Post town	YORK
Postcode	YO30 7DP
7. Other contact details	
Telephone numbers Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
IMPOSSIBLE YORK 3, ST HELENS SQUARE	
Post town YORK.	Postcode YO1 8QN
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	INFO@IMPOSSIBLEYORK.COM.

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
3-5 ST. HELENS SQUARE YORK YO1 8QN. IMPOSSIBLE WONDERBAR + TEA ROOM.	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	07636 / 67635
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
RESTAURANT, BAR & TEA ROOM	

Please describe the nature of the event below. (Please read note 5)
PRIVATE EVENT, TICKETED STUDENT SOCIETY.

<b>3. The licensable activities</b>	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
25.11.2021 - 26.11.2021 <sup>(JK)</sup>	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
22:00 - 03:00.	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	
230	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

DJ 10-3 AM      22:00 →  
pm                                  03:00

4. Personal licence holders (Please read note 14)					
Do you currently hold a valid personal licence? (Please tick)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">Yes</td> <td style="width: 50%;">No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No				
<input checked="" type="checkbox"/>	<input type="checkbox"/>				
If "Yes" please provide the details of your personal licence below.					
Issuing licensing authority	MANCHESTER CITY COUNCIL				
Licence number	138130				
Date of issue	8.8.2011				
Any further relevant details					


5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

See details of Licensing Act 2003 statutory fees for temporary events notices:  
[www.york.gov.uk/LicensingAct2003StatutoryFees](http://www.york.gov.uk/LicensingAct2003StatutoryFees).

<b>8. Condition (Please read note 18)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 19)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	29.10.2021
Name of Person signing	STEPHANIE POWELL

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 20)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	





## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number  
CYC - 67635

Postal address of premises: <b>Impossible (York)</b> <b>3 St Helen's Square</b>	
Post town: <b>York</b>	Post code: <b>YO1 8QN</b>
Telephone number: None	

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

#### Licensable activities authorised by the licence:

Films  
Live music  
Recorded music  
Performance of dance  
Late night refreshment  
Supply of alcohol

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

FILMS  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

LIVE MUSIC  
Indoors

Monday 08:00 - 23:00	Tuesday 08:00 - 23:00	Wednesday 08:00 - 23:00	Thursday 08:00 - 23:00
Friday 08:00 - 23:00	Saturday 08:00 - 02:00	Sunday 08:00 - 23:00	

RECORDED MUSIC  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

PERFORMANCE OF DANCE  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

LATE NIGHT REFRESHMENT  
Indoors and Outdoors

Monday 23:00 - 01:00	Tuesday 23:00 - 01:00	Wednesday 23:00 - 01:00	Thursday 23:00 - 01:00
Friday 23:00 - 01:00	Saturday 23:00 - 02:00	Sunday 23:00 - 01:00	

SUPPLY OF ALCOHOL

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

All licensable activities: 08:00 to 02:00 on all days preceding Bank Holidays

**The Opening Hours of the Premises**

Monday 08:00 - 01:30	Tuesday 08:00 - 01:30	Wednesday 08:00 - 01:30	Thursday 08:00 - 01:30
Friday 08:00 - 01:30	Saturday 08:00 - 02:30	Sunday 08:00 - 01:30	

**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 premises licence:**

Name: Tokyo Industries (Yorkshire) Ltd

Address: 1 City Road East  
Manchester  
M15 4PN

Telephone number:

Email address:

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

06608845

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

Name: Stephanie Powell

Address:

Telephone number: None

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

Manchester City Council 138130

**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.

**MANDATORY CONDITION: DOOR SUPERVISION**

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

**MANDATORY CONDITION: EXHIBITION OF FILMS**

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

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

**Licensing Objectives**

1. During regulated entertainment, the main doors shall be kept closed at all times, other than for ingress or egress.
2. All doors and windows shall be closed after 23:00 hours when regulated entertainment is taking place.

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

1. The premises shall trade predominantly as a tea rooms and restaurant on the ground floor and cocktail club to the first floor, with a 'speakeasy' style cocktail bar to the rear of the ground floor premises along with upper roof terraces.
2. Until midnight substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is sold.
3. Where alcohol is being sold or supplied on the respective floor there will be a minimum number of seating provided as follows:
  - Seating for 90 customers provided on the ground floor
  - Seating for 90 customers provided the first floor
  - Seating for 50 customers provided on second floor with a further 50 seats provided on the outside roof terrace on the second floor.
  - 48 seats provided on the rooftop terrace. All patrons to be seated when using this area.
4. Waiter/waitress service will be offered to seated customers.
5. The ground floor outside area shall be closed by 2200hrs daily. The roof terraces shall close and be cleared of patrons by 2100hrs daily (with the exception of New Year's Eve).
6. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
7. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).
8. No adult entertainment shall take place before 2130hrs.
9. No person under the age of 18 will be permitted on the premises when any adult entertainment is taking place and in the 30 minute periods before and after such entertainment takes place.
10. Any adult entertainment must be restricted to the first and second floor areas only and must not take place on roof terraces or any outside area. When such events take place there shall be screens to prevent such entertainment being viewed by other members of the public and the Designated Premises Supervisor or Premises Licence holder shall ensure that a risk assessment is conducted. Customers must be seated during the performance and there is to be no physical contact between customers and performers.

11. Advertising for adult entertainment shall not be displayed on the premises at a time when persons aged under 18 are on the premises.
12. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to which the public have access.
  - It will be maintained, working and recording at all times when the premises are open.
    - The recordings should be of good evidential quality to be produced in Court or other such hearing.
    - Copies of the recordings will be kept available for any Responsible Authority for 28 days.
    - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request.
    - Copies of the recordings will display the correct time and date of the recording.
    - It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
13. Door Supervisors shall be employed as follows: -
  - (a) On Fridays, Saturdays and Sundays leading into a bank holiday Monday the use of door supervisors shall be risk assessed with a minimum number of 2 SIA door supervisors from 2100hrs until 30 minutes past closing time.
  - (b) On all other days an adequate number of door supervisors shall be provided at the premises on the following occasions:-
    - (i) From 2300hrs until 30 minutes past closing time on any day when the premises closes after 0100hrs
    - (ii) At all times the premises licence holder will risk assess the need for SIA door supervisors in conjunction with North Yorkshire Police and ensure sufficient door supervisors are on duty to promote the crime and disorder licensing objectives.
- 13.1 The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise at other times.
- 13.2 All door supervisors will wear high visibility arm bands.
14. Documented staff training will be given regarding staff's obligation under the Licensing Act 2003 in respect of the:-
  - Retail sale of alcohol
  - Age verification policy
  - Conditions attached to the Premises Licence
  - Permitted Licensable activities
  - The Licensing objectives and
  - The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.
15. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.



Such records shall be kept for at least one year. (For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry). They will be made available immediately upon request from any Responsible Authority.

16. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
17. All off sales shall be in sealed containers (with the exception of the pavement café licence area).
18. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway with the exception of any pavement café licence area.
19. Members of staff will monitor, clear and keep tidy the outside areas, and a supervisor will conduct an additional check on every hour that the area is used. .
20. There shall be a personal licence holder on duty per floor at the premises at all busy times when they are open for licensable activities. In addition, the DPS or a Personal Licence holder shall be present on the premises during the whole time that adult entertainment is taking place.
21. Clear and legible notices shall be displayed at all exits and roof terraces requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
22. No licensable activities shall take place at the premises until a documented smoking policy has been submitted to and agreed by the Public Protection Department of City of York Council. The policy shall thereafter be implemented as approved.
23. A zero tolerance towards illegal drugs will be enforced at all times.
24. All instances of crime and disorder will be reported to the Police and will be kept in an incident log book.
25. The premises will comply take part in and comply with any crime reduction initiatives, when requested to do so by a responsible authority.
26. The Premises Licence Holder will comply with any instructions issued by the Police regarding closure on race days and/or other sporting events.
27. The Premises Licence Holder shall ensure so far as possible that when an exclusion order is made, the person subject to the order is denied access to the premises.
28. A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all music played at the premises must pass through this sound limiter at a level first agreed by the Council's Public Protection section. The device shall not be altered or modified without prior agreement with the Council's Public Protection section. The device must be of a type and in a location approved in writing by the Council's Public Protection section.
29. Speakers shall not be located /operated on any roof terrace or external area.
30. No regulated entertainment shall take place on any roof terrace or outside the premises building.

31. No licensable activities shall take place at the premises until a written Noise Management Plan has been submitted to and approved in writing by Public Protection Department of City of York Council. The Noise Management Plan will include a procedure for investigating noise complaints received from the premises and a map identifying the sound check locations following any such complaint. The Premises Management shall ensure compliance with all aspects of the approved Noise Management Plan.
32. No licensable activities shall take place at the premises until a documented dispersal policy has been submitted to and approved in writing by the Public Protection Department of the City of York Council. The Premises Management shall ensure compliance with all aspects of the approved dispersal policy.

#### **Annex 4 – Approved Plan**

Plan Number/s: 568/P/027, 568/P/026, 568/P/025, 568/P/035, 568/P/028



For and on behalf of  
The Corporate Director Place

Date: 8 April 2021 – amended 17/9/21

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



**PREMISES LICENCE SUMMARY**

**Part B**

**Part 1 Premises details**

Premises licence number CYC - 67635
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Postal address of premises: <b>Impossible (York)</b> <b>3 St Helen's Square</b>	
Post town: <b>York</b>	Post code: <b>YO1 8QN</b>
Telephone number: None	

<b>Where the licence is time limited the date:</b>  This licence has no expiry date.
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<b>Licensable activities authorised by the licence:</b>  Films Live music Recorded music Performance of dance Late night refreshment Supply of alcohol
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**The times the licence authorises the carrying out of licensable activities:**

FILMS  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

LIVE MUSIC  
Indoors

Monday 08:00 - 23:00	Tuesday 08:00 - 23:00	Wednesday 08:00 - 23:00	Thursday 08:00 - 23:00
Friday 08:00 - 23:00	Saturday 08:00 - 02:00	Sunday 08:00 - 23:00	

RECORDED MUSIC  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

PERFORMANCE OF DANCE  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

LATE NIGHT REFRESHMENT  
Indoors and Outdoors

Monday 23:00 - 01:00	Tuesday 23:00 - 01:00	Wednesday 23:00 - 01:00	Thursday 23:00 - 01:00
Friday 23:00 - 01:00	Saturday 23:00 - 02:00	Sunday 23:00 - 01:00	

SUPPLY OF ALCOHOL

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

All licensable activities: 08:00 to 02:00 on all days preceding Bank Holidays

**The Opening Hours of the Premises**

Monday 08:00 - 01:30	Tuesday 08:00 - 01:30	Wednesday 08:00 - 01:30	Thursday 08:00 - 01:30
Friday 08:00 - 01:30	Saturday 08:00 - 02:30	Sunday 08:00 - 01:30	

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

On and off the premises

**Name and (registered) address of holder of premises licence:**

Name: Tokyo Industries (Yorkshire) Ltd

Address: 1 City Road East  
Manchester  
M15 4PN

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

06608845

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

Stephanie Powell

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

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

3. Where –

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

5. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

6. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

7. No adult entertainment shall take place before 2130hrs.

8. No person under the age of 18 will be permitted on the premises when any adult entertainment is taking place and in the 30 minute periods before and after such entertainment takes place.

9. Any adult entertainment must be restricted to the first and second floor areas only and must not take place on roof terraces or any outside area. When such events take place there shall be screens to prevent such entertainment being viewed by other members of the public and the DPS or Premises Licence holder shall ensure that a risk assessment is conducted. Customers must be seated during the performance and there is to be no physical contact between customers and performers.

10. Advertising for adult entertainment shall not be displayed on the premises at a time when persons aged under 18 are on the premises.



For and on behalf of  
The Corporate Director of Place

Date: 8 April 2021 – amended 17/9/21

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number  
CYC - 67636

Postal address of premises: <b>Impossible (York)</b> <b>5 St Helen's Square</b>	
Post town: <b>York</b>	Post code: <b>YO1 8QN</b>
Telephone number: None	

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

<p><b>Licensable activities authorised by the licence:</b></p> <p>Recorded music Performance of dance Late night refreshment Supply of alcohol</p>
--

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

##### RECORDED MUSIC

Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

PERFORMANCE OF DANCE

Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

LATE NIGHT REFRESHMENT

Indoors and Outdoors

Monday 23:00 - 01:00	Tuesday 23:00 - 01:00	Wednesday 23:00 - 01:00	Thursday 23:00 - 01:00
Friday 23:00 - 01:00	Saturday 23:00 - 02:00	Sunday 23:00 - 01:00	

24 hours room service to hotel residents

SUPPLY OF ALCOHOL

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

All licensable activities: 08:00 to 02:00 on all days preceding Bank Holidays

<b>The Opening Hours of the Premises</b>			
Monday 06:00 - 01:30	Tuesday 06:00 - 01:30	Wednesday 06:00 - 01:30	Thursday 06:00 - 01:30
Friday 06:00 - 01:30	Saturday 06:00 - 02:30	Sunday 06:00 - 01:30	
Unrestricted for hotel residents			

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies:</b>
On and off the premises



**Part 2**

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

Name: Tokyo Industries (Yorkshire) Ltd

Address: 1 City Road East  
Manchester  
M15 4PN

Telephone number:

Email address:

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

06608845

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

Name: Stephanie Powell

Address: Blenheim

1110 TEL

Telephone number: None

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

Manchester City Council 138130

**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.

**MANDATORY CONDITION: DOOR SUPERVISION**

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
  - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed –
  - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films),  
or
  - b) in respect of premises in relation to –

- i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
  - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
- a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
  - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

### **Licensing Objectives**

1. During regulated entertainment, the main doors shall be kept closed at all times, other than for ingress or egress.
2. All doors and windows shall be closed after 23:00 hours when regulated entertainment is taking place.

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

1. The premises shall operate predominantly as a hotel with ancillary restaurant and bar facilities. It shall not operate as a nightclub or vertical drinking establishment and all licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel, bar and restaurant.
2. A minimum number of 40 seats shall be provided for customers on the ground floor.
3. The outside area shall be closed by 2200hrs daily
4. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
5. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
6. No adult entertainment shall take place at the premises.
7. The sale of alcohol in all parts of the premises shall only be by waiter/waitress service to seated customers, and there shall be no sales of alcohol over the bars directly to the customer.
8. The outside area shall be closed by 2200hrs daily.
9. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to which the public have access.
  - It will be maintained, working and recording at all times when the premises are open.
  - The recordings should be of good evidential quality to be produced in Court or other such hearing.

- Copies of the recordings will be kept available for any Responsible Authority for 28 days.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request.
- Copies of the recordings will display the correct time and date of the recording.
- It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.

10. Door Supervisors shall be employed as follows: -

(a) On Fridays, Saturdays and Sundays leading into a bank holiday Monday the use of door supervisors shall be risk assessed in conjunction with the operation of Impossible next door.

(b) On days when race meetings are held at York Racecourse (save for the family meeting held in September and the first meeting in May) a min of 1 SIA licensed door staff shall be provided at the premises from 19:00 hours to the close of business.

10.1 The management of the premises will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise at other times.

10.2 When employed, door staff will wear high visibility arm bands.

11. Documented staff training will be given regarding staff's obligation under the Licensing Act 2003 in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

12. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. (For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry). They will be made available immediately upon request from any Responsible Authority.

13. The sale of alcohol (other than to residents of the hotel and their bona fide guests) shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

14. All off sales shall be in sealed containers (with the exception of the pavement café licence area).

15. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway with the exception of any pavement café licence area.

16. Members of staff will monitor, clear and keep tidy the outside areas, and a supervisor will conduct an additional check on every hour that the area is used.
17. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. No licensable activities shall take place at the premises until a documented smoking policy has been submitted to and agreed by the Public Protection Department of the City of York Council. The policy shall thereafter be implemented as approved.
19. A zero tolerance towards illegal drugs will be enforced at all times
20. All instances of crime and disorder will be reported to the police and will be kept in an incident log book.
21. The Premises will comply take part in and comply with any crime reduction initiatives, when requested to do so by a responsible authority.
22. The Premises Licence Holder will comply with any instructions issued by the Police regarding closure on race days and/or other sporting events.
23. The Premises Licence Holder shall ensure so far as possible that when an exclusion order is made, the person subject to the order is denied access to the premise.
25. A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all music played at the premises must pass through this noise limiting device at a level first agreed by the Council's Public Protection section. The device shall not be altered or modified without prior agreement with the Council's Public Protection section. The device must be of a type and in a location approved in writing by the Council's Public Protection section.
26. Speakers shall not be located /operated on any external area.
27. No regulated entertainment shall take in any outside area.
28. No licensable activities shall take place at the premises until a written Noise Management Plan has been submitted to and approved in writing by the Public Protection Department of the City of York Council . The Noise Management Plan will include a procedure for investigating noise complaints received from the premises and a map identifying the sound check locations following any such complaint. The Premises Management shall ensure compliance with all aspects of the approved Noise Management Plan.
29. No licensable activities shall take place at the premises until a documented dispersal policy has been submitted to and approved in writing by Public Protection Department of the City of York Council. The Premises Management shall ensure compliance with all aspects of the approved dispersal policy.
30. The only licensable activity that is authorised to take place in the hotel bedrooms is the sale of alcohol by retail through a mini bar or room service. No other licensable activity will take place in the hotel bedrooms.
31. With the exception of hotel residents and their bona fide guests, no alcohol shall be sold or supplied on the ground floor of the premises between 0200hrs and 0800hrs.
32. The supply of alcohol on the basement, first and second floors of the premises shall be to hotel residents and their bona fide guests only.

#### **Annex 4 – Approved Plan**

Plan Number/s: 571/P/027 (Ground Floor), 571/P/026, 571/P/025,  
571/P/027(Basement)

A handwritten signature in black ink, appearing to be the initials 'AS'.

For and on behalf of  
The Corporate Director of Place

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Date: 8 April 2021 – amended 17/9/21

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



**PREMISES LICENCE SUMMARY**

**Part B**

Premises licence number CYC - 67636
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**Part 1 Premises details**

Postal address of premises: <b>Impossible (York) 5 St Helen's Square</b>	
Post town: <b>York</b>	Post code: <b>YO1 8QN</b>
Telephone number: None	

<b>Where the licence is time limited the date:</b> This licence has no expiry date.
--

<b>Licensable activities authorised by the licence:</b>  Recorded music Performance of dance Late night refreshment Supply of alcohol
--

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

RECORDED MUSIC  
Indoors

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

PERFORMANCE OF DANCE  
Indoors



Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

**LATE NIGHT REFRESHMENT**  
Indoors and Outdoors

Monday 23:00 - 01:00	Tuesday 23:00 - 01:00	Wednesday 23:00 - 01:00	Thursday 23:00 - 01:00
Friday 23:00 - 01:00	Saturday 23:00 - 02:00	Sunday 23:00 - 01:00	

24 hours room service to hotel residents

**SUPPLY OF ALCOHOL**

Monday 08:00 - 01:00	Tuesday 08:00 - 01:00	Wednesday 08:00 - 01:00	Thursday 08:00 - 01:00
Friday 08:00 - 01:00	Saturday 08:00 - 02:00	Sunday 08:00 - 01:00	

All licensable activities: 08:00 to 02:00 on all days preceding Bank Holidays

**The Opening Hours of the Premises**

Monday 06:00 - 01:30	Tuesday 06:00 - 01:30	Wednesday 06:00 - 01:30	Thursday 06:00 - 01:30
Friday 06:00 - 01:30	Saturday 06:00 - 02:30	Sunday 06:00 - 01:30	

Unrestricted for hotel residents

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

On and off the premises

**Name and (registered) address of holder of premises licence:**

Name: Tokyo Industries (Yorkshire) Ltd

Address: 1 City Road East  
Manchester  
M15 4PN

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

06608845

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

Stephanie Powell

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

1. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
2. The only acceptable proof of age identification shall be a current Passport, photo car Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
3. No adult entertainment shall take place at the premises.



For and on behalf of  
The Corporate Director of Place

Date: 8 April 2021 – amended 17/9/21

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



Our Ref: NYP/1671/ Impossible 3-5 St Helens Square

Email: [NYPLicensing@northyorkshire.police.uk](mailto:NYPLicensing@northyorkshire.police.uk)

Address: Licensing Services  
Hazel Court  
EcoDepot  
York  
YO10 3DS

Date: 10<sup>th</sup> November 2021

**Notice of Objection**

**Temporary Event Notice for  
Impossible 3-5 St Helens Square, York**

Dear Licensing Authority,

I acknowledge receipt of the Temporary Event Notice (TEN) submitted by Miss Stephanie Jayne Powell, for Impossible Wonderbar & Tea rooms 3-5 St Helens Square, York, received by North Yorkshire Police on 5<sup>th</sup> November 2021 and which relates to licensable activities between the following times:-

- 2200hrs-0300hrs on 25<sup>th</sup> November 2021- 26<sup>th</sup> November 2021

The purpose of this letter is to serve notice on you under Section 104(2) Licensing Act 2003 of my objection to Miss Powell's Temporary Event Notice.

I believe that granting the TEN would undermine the following licensing objectives:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

The reasons for my objection are outlined below:-

Impossible Wonderbar and Tea Rooms is located in the Red Zone of York's Cumulative Impact Area, identified as such due to the concentration of licensed premises and the alcohol fuelled Crime and disorder and Anti-social behaviour already experienced in the vicinity. It is imperative that licensed premises within this area have robust operating conditions to ensure the promotion of all 4 licensing objectives.

Both premises (3 & 5 St Helens Sq) do have existing Premises Licences, issued under CYC-67635 and CYC-67636, with the Premise Licence Holder for both being Tokyo Industries (Yorkshire) Ltd and permit licensable activities on the day applied for (Thursday) from 0800-0100hrs only. The licences, alongside mandatory licensing conditions, both have 2 conditions attached under Annex 2 and a further 32 conditions each added following a licensing hearing under Annex 3 (please refer to licences for full list of conditions). Conditions which were put in place in order to mitigate risk and promote the licensing objectives in this special policy area.

The applicant has chosen to apply for a TEN for their event and not operate under the Premise Licence. As such if this TEN were to be granted then both the mandatory and additional conditions on the licence for both premises would not have to be adhered to. This would allow the premises to operate in whichever way they saw fit without consequences. North Yorkshire Police would not support the premises operating in the Cumulative Impact area with no conditions in place to mitigate risk likely leading to additional crime and disorder and public nuisance and compromising public safety. This would put further strain on local resources in this busy city centre venue.

On the Temporary Event Notice where it states, please describe the nature of the event below the applicant has stated:-

'PRIVATE EVENT, TICKETED, STUDENT SOCIETY'

It also states 'DJ 1pm-3am'

After repeated attempts to contact the applicant via phone and email and having received no contact back I am unable to gain any further information about this event. I cannot see this event advertised on the website for the premises and therefore cannot gain any further information.

North Yorkshire Police strongly believe that if licensable activities were to be permitted under a Temporary Event Notice for an event with licensable activities from 2200hrs-0300hrs on a Thursday evening without control measures in place in the Cumulative Impact Zone with no mandatory or operating conditions, the licensing objectives of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children From Harm would be undermined. Consequently, North Yorkshire Police do not support this Temporary Event Notice.

Yours Sincerely,

Kim

**PC 1671 Kim HOLLIS**  
**Alcohol Licensing Officer (York)**  
**Partnership Hub**  
**North Yorkshire Police**  
**Mobile 07802 385220**  
**Tel: 101**  
**Email:- [kimberley.hollis@northyorkshire.police.uk](mailto:kimberley.hollis@northyorkshire.police.uk)**

## Annex 4

I have considered the temporary event notice for the proposed temporary event on 25 – 26 November 2021 at 3 - 5 St Helen's Square and have tried to contact the applicant to mediate conditions, however, I have been unable to do so and have concerns about both the protection of children from harm and public nuisance from the event.

### **The premises**

The application as it stands is for the use of both 3 and 5 St Helen's Square. Both premises are in the **CIA**: the cumulative impact Area and is an area designated by City of York Council in its statement of licensing policy where evidence shows that the cumulative impact of the number and concentration of licensed premises continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives of prevention of crime and disorder and prevention of public nuisance. A red zone has also been identified by the local licensing authority in this area due to the high concentration of licensed premises, the impact of which have led to a high level of occurrences in relation to crime and disorder related issues.

### **The premises Licences**

The two premises licence's for 3 St Helen's Square and 5 St Helen's Square were considered at a committee hearing in April this year, due to concerns raised by the Local licensing Authority, Public Protection and the Police and the opening hours that were applied for were withdrawn and extra conditions were attached to both premises licence's.

### **The event**

The temporary event notice would seek to extend the licensable activities and include a DJ, beyond those agreed at committee and remove all licensing conditions imposed on the premises licence by the Committee members. Further to this the applicant has not offered to implement these nor have they offered anything to support the four licensing objectives and protect children from harm or prevent a public nuisance from occurring.

### **Summary**

As this premises is in the red zone of the CIA and the application would remove all licensing conditions agreed by Committee in respect to the four licensing objectives and no mitigation has been proposed, Public protection are making representation due to the protection of children from harm and the prevention of public nuisance and would advise that this application is not permitted.

Michael Golightly  
**Technical Officer**

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### **Legislation and Policy Considerations**

1. The following provisions of the Licensing Act 2003 apply to this application: Section 4 General Duties of Licensing Authorities; Sections 104 to 106 Objections.
2. The following provisions of the Police Reform and Social Responsibility Act 2011 which amended the Licensing Act 2003 apply to this application; Part 2 Licensing, Chapter 1 Amendments of the Licensing Act 2003, Temporary Event Notices.
3. The following provisions of Regulation 2918, Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005: Submission of a Temporary Event Notice (TEN as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016;
4. The following provisions of the Secretary of State's guidance apply to this application: Chapter 2 The Licensing Objectives, Chapter 3 Licensable Activities and Chapter 7 Temporary Event Notices (TENs).
5. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.2 General Principles for Determination of Applications; 12 Temporary Event Notices (TENs).
6. 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.
7. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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