

Licensing/Gambling Hearing

To: Councillors Galvin, Looker and Melly

Date: Monday, 11 April 2022

Time: 10.00 am

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 disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

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. Minutes (pages 15-16)

To approve the minutes of the Licensing Hearing held on 20 December 2021.

6. The Determination of an Application by 2 Many Wines for a Section 35(3)(a Variation of a Premises Licence in respect of 3 Bishopthorpe Road, York YO23 1NA (CYC-068573) (pages 17-111)

This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - fiona.young@york.gov.uk

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我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS

Introduction

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. 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 has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

Preparation for the Remote Licensing Hearing

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

The Remote Licensing Hearing

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representatives are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.** Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

ORDER OF PROCEEDINGS AT THE REMOTE HEARING

Chair's introduction and opening comments

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

18. The Chair will outline the procedure to be followed.

19. The Chair will proceed with the order of business on the agenda.

Licensing Manager

20. When the agenda item relating to the application is reached, the Chair will invite the 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.

The Application

21. The Applicant (and/or their representative) will address the Sub-Committee and present information in support of the application and may call any witnesses to support the application, one witness at a time *[maximum 15 minutes]*.

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Public representation
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation *[maximum 15 minutes each party]*:

- Police
- Other Responsible Authorities
- Ward Councillors
- Public representation
- Members of the Sub-Committee

24. The Chair will invite the Applicant and each other party to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Summaries

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - Police
 - Other Responsible Authorities
 - Ward Councillors
 - Public representation
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. 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.

Determination

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. 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.
30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not)

usually within 5 working days of the hearing. There can be no further questions or statements.

31. If the Sub-Committee does not 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 Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

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

The purpose of the hearing is

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

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

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At

any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

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

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

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

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

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor *(if present)* on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)

- paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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- Applicant
- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	20 December 2021
Present	Councillors Looker, Melly and Hook

29. Chair

Resolved: That Cllr Looker be elected to chair the hearing.

30. Introductions

The Chair introduced those present at the hearing; the Sub-Committee Members, the Legal Adviser, the Democratic Services officer and the Licensing Manager.

31. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No interests were declared.

32. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting 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.

33. Minutes

Resolved: That the minutes of the hearings held on 12 October 2021 and 26 October 2021 be approved as a correct record, to be signed by the Chair at a later date.

34. The Determination of a Section 18(3) (a) Application by Clifton Bridge Hotel Ltd. for a Premises Licence at Clifton Bridge Hotel, 23 Water End, Clifton, York, YO30 6LL (CYC-069581)

An application had been received from Clifton Bridge Hotel Ltd. for a premises licence in respect of Clifton Bridge Hotel, 23 Water End, Clifton, York YO30 6LL.

It was announced that correspondence had just been received from the Applicant's solicitors instructing them to withdraw the application. The hearing would therefore not proceed, and the meeting would end at this point.

Cllr J Looker, Chair

[The meeting started at 10.00 am and finished at 10.05 am].



Licensing Act 2003 Sub Committee

11 April 2022

Report from the Director – Environment, Transport & Planning

Section 35(3) (a) Application for variation of a premises licence for 2 Many Wines Ltd, 3 Bishopthorpe Road, York, YO23 1NA

Summary

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 068573
3. Name of applicant: 2 Many Wines Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises currently trades primarily as an off licence shop offering the customers the possibility of drink and food on site (this description is taken from the original application for grant of a premises licence made in May 2021). The variation seeks the following:

- a) The extension of hours for the supply of alcohol and provision of regulated entertainment from 23:00 to 02:00.
- b) The extension of the licensed area covered by the premises licence to include the area to the front pavement area on Bishopthorpe Road.
- c) To include the performance of plays as a licensable activity.
- d) The removal of Condition 7, Annex 2:

On sales of alcohol shall cease no later than 2230 on any given day.

Licensable Activity	Existing hours	Proposed hours
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Live Music – indoors & Outdoors	1000 to 2200 everyday	1000 to 0200 everyday
Recorded Music – Indoors and Outdoors	0900 to 2300 everyday	0900 to 0200 everyday
Performance of Plays – Indoors & Outdoors	Not currently licensed	1000 to 0200 everyday
Supply of Alcohol – on & off the premises	1000 to 2300 everyday	1000 to 0200 everyday
Opening hours	0900 to 2300 everyday	1000 to 0200 everyday

Since applying the applicant has modified the variation application following mediation with North Yorkshire Police and Public Protection, the licensable activities, proposed days and hours are now as follows:

Licensable activity	proposed
Live Music	To be removed from the licence
Recorded Music	To be removed from the licence
Performance of Plays	To be removed from the licence
Supply of Alcohol – on & off the premises	Sunday – Thursday 10:00 – 23:00 Friday & Saturday 10:00 - midnight
Opening Hours	Sunday – Thursday 09:00 – 23:30 Friday & Saturday 09:00 – 00:30

The external area shall only be open between 10:00 hrs and 21:00 hrs each day.

Background

6. A copy of the application can be found at **Annex 1**, including a plan of the premises.
7. A copy of the current licence and plan is attached at **Annex 2**. The licence was granted on 30 July 2021.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
10. **General**
N/A
11. The Prevention of Crime and Disorder
 - Underage drinking – Training, checking ID
 - Public drunkenness – best practice guidance, refusal
 - Drugs – zero tolerance, police, CCTV
 - Violence – CCTV, door staff
12. Public Safety
 - Occupancy capacity – Number management
 - Customer profile – Selection at the door
 - Hours of operation – Respect of them
13. The Prevention of Public Nuisance
 - Noise – Public information signs
 - Hours of operation – Respect of them
 - Occupancy capacity – Number management
 - External lighting – Enough to see & be seen
14. The Protection of Children from Harm
 - Exposed to drugs – Police, drug prevention, training
 - Violence and disorder – limitation of hours for children
 - Underage drinking - ID

Special Policy Consideration

15. This premises is not located within the cumulative impact assessment area.

Consultation

16. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory

requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.

17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application, following mediation with the applicant, where the applicant agreed to modify the application, the Police has withdrawn their representation. The agreed modifications and conditions can be found at **Annex 4**.
19. City of York Council Public Protection (Environmental Protection) have made representation on the objective of the prevention of public nuisance, following mediation with the applicant, where the applicant agreed to modify the applications, Public Protection has withdrawn their representation. The agreed modifications and conditions can be found at **Annex 5**.

Summary of Representations made by Other Parties

20. There have been seven relevant representations received from other persons. The list of representors is attached at **Annex 6**.
21. The representations are predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder. They state that these objectives will be undermined if the application is granted.
22. A copy of all the representations are attached at **Annex 7**.
23. A map showing the general area around the venue is attached at **Annex 8**.
24. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 9**. The Legislation and Policy considerations can be found at **Annex 10**.
25. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
26. Option 1: Modify the conditions of the licence
27. Option 2: Reject the whole or part of the application.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Analysis

28. The following could be the result of any decision made this Sub Committee:-
29. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
30. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

Council Plan

31. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
32. 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

33.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.

- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

34. 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.
35. 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

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

Contact Details

Author:
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 551515

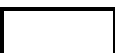
**Report
Approved**



Date 31/03/22

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form and plan
- Annex 2** - Copy of current licence and plan
- Annex 3** - Overview of circumstances in which entertainment activities are not licensable
- Annex 4** - North Yorkshire Police Representation
- Annex 5** - Public Protection Representation
- Annex 6** - List of other persons - **CONFIDENTIAL**
- Annex 7** - Other persons representations
- Annex 8** - Map of area
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation & Policy

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CITY OF YORK COUNCIL

Licensing Services, Hazel Court EcoDepot, James Street,
York, YO10 3DS**ANNEX 1****Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We 2 Many Wines Ltd

(Insert name(s) of applicant)

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

Premises licence number

CYC – 68573

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
3 Bishopthorpe Rd

Post town

York

Postcode

YO231NA

Telephone number at premises (if any)

01904849532

Non-domestic rateable value of premises

£32500

Part 2 – Applicant detailsDaytime contact
telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if
different from premises
address

[REDACTED]

Post town

Postcode

Part 3 - Variation

Please tick as appropriate

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

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

--	--	--	--	--	--	--	--	--	--

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
We would like to be able to serve our customers until 2am if necessary, we will be able to use this right for special events or times like NYE.
Also, we would like to extend the boundaries of the licenced area to the front terrace, so we can serve our customers like we do inside (ie. Leave bottles on the tables and for the customer to help themselves).
Lastly, include the right of having plays or one person show

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Small performance, one person show, comedy show, family friendly <u>State any seasonal variations for performing plays</u> (please read guidance note 6) <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Mon	10.00	02.00			
Tue	10.00	02.00			
Wed	10.00	02.00			
Thur	10.00	02.00			
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	10.00	02.00			

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>																																												
				Outdoors	<input type="checkbox"/>																																												
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td>10.00</td> <td>02.00</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon	10.00	02.00				Tue	10.00	02.00				Wed	10.00	02.00				Thur	10.00	02.00				Fri	10.00	02.00				Sat	10.00	02.00				Sun	10.00	02.00				Both
Day	Start	Finish																																															
Mon	10.00	02.00																																															
Tue	10.00	02.00																																															
Wed	10.00	02.00																																															
Thur	10.00	02.00																																															
Fri	10.00	02.00																																															
Sat	10.00	02.00																																															
Sun	10.00	02.00																																															
			<u>Please give further details here</u> (please read guidance note 5) DJ or small bands																																														
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)																																														
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)																																														

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	09.00	02.00	<u>Please give further details here</u> (please read guidance note 5) Background music		
Tue	09.00	02.00			
Wed	09.00	02.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	09.00	02.00			
Fri	09.00	02.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	09.00	02.00			
Sun	09.00	02.00			

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	10.00	02.00						
Tue	10.00	02.00						
Wed	10.00	02.00						
Thur	10.00	02.00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	10.00	02.00						
Sat	10.00	02.00						
Sun	10.00	02.00						

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p><u>None</u></p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	10.00	02.00	
Tue	10.00	02.00	
Wed	10.00	02.00	
Thur	10.00	02.00	
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	02.00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)

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

Section 7 – On sales of alcohol shall cease no later than 22.30 on any given day

Please tick as appropriate

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

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

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

Posted

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

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

Prevention of crime & disorder

b) The prevention of crime and disorder

- Underage drinking – Training, checking ID
- Public drunkenness – best practice guidance, refusal
- Drugs – zero tolerance, police, CCTV
- Violence – CCTV, door staff

c) Public safety

- Occupancy capacity – Number management
- Customer profile – Selection at the door
- Hours of operation – Respect of them

d) The prevention of public nuisance

- Noise – Public information signs
- Hours of operation – Respect of them
- Occupancy capacity – Number management
- External lighting – Enough to see & be seen

e) The protection of children from harm

- Exposed to drugs – Police, drug prevention, training
- Violence and disorder – limitation of hours for children
- Underage drinking - ID

Checklist:

Please tick to indicate agreement


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

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	28/02/2022
Capacity	Director

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

Signature	
Date	
Capacity	

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

Notes for Guidance

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

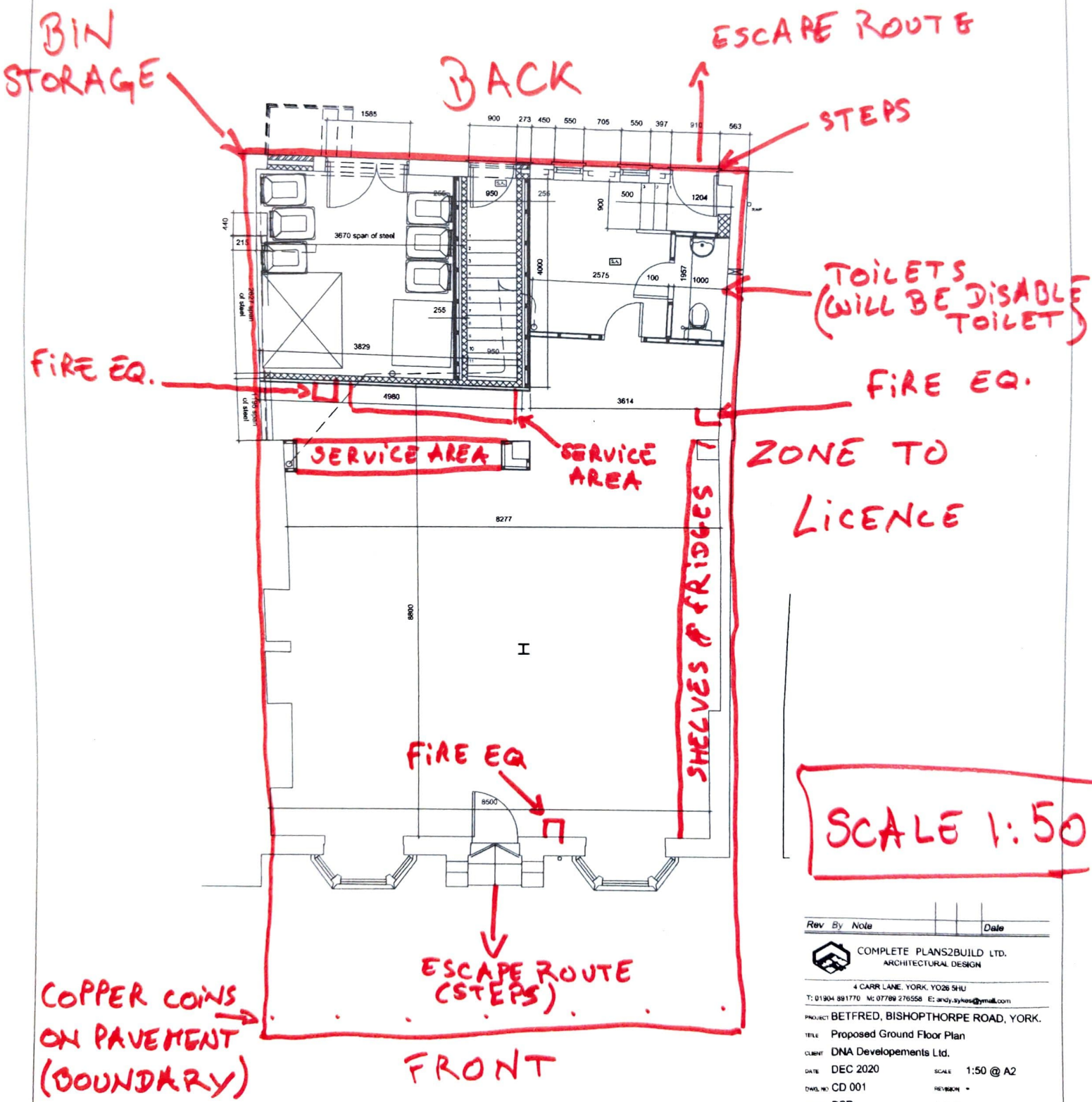
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing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

community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.


- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the

premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



SCALE 1:50

Rev	By	Note	Date
 COMPLETE PLANS2BUILD LTD. ARCHITECTURAL DESIGN 4 CARR LANE, YORK, YO26 5HU T: 01904 891770 M: 07789 276558 E: andy@plans2build.com			
PROJECT: BETFRED, BISHOPTHORPE ROAD, YORK.			
TITLE: Proposed Ground Floor Plan			
CLIENT: DNA Developments Ltd.			
DATE: DEC 2020		SCALE: 1:50 @ A2	
DRAWING NO: CD 001		REVISION: -	
DRAWN: DSR		CHECKED: -	
DO NOT SCALE FROM DRAWINGS. ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECTS. COPYRIGHT RESERVED			

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Annex 2

LICENSING ACT 2003**PREMISES LICENCE****Schedule 12****Part A**

Premises licence number CYC - 68573
--

Part 1 Premises details

Postal address of premises: 3 Bishopthorpe Road	
Post town: York	Post code: YO23 1NA
Telephone number: None	

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Live Music
Recorded Music
Supply of Alcohol

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

Indoors and Outdoors

Monday 12:00 - 22:00	Tuesday 12:00 - 22:00	Wednesday 12:00 - 22:00	Thursday 12:00 - 22:00
Friday 12:00 - 22:00	Saturday 12:00 - 22:00	Sunday 12:00 - 22:00	

RECORDED MUSIC

Indoors and Outdoors

Monday 09:00 - 23:00	Tuesday 09:00 - 23:00	Wednesday 09:00 - 23:00	Thursday 09:00 - 23:00
-------------------------	--------------------------	----------------------------	---------------------------

Friday
09:00 - 23:00

Saturday
09:00 - 23:00

Sunday
09:00 - 23:00

SUPPLY OF ALCOHOL

Monday
10:00 - 23:00

Tuesday
10:00 - 23:00

Wednesday
10:00 - 23:00

Thursday
10:00 - 23:00

Friday
10:00 - 23:00

Saturday
10:00 - 23:00

Sunday
10:00 - 23:00

The Opening Hours of the Premises

Monday
09:00 - 23:00

Tuesday
09:00 - 23:00

Wednesday
09:00 - 23:00

Thursday
09:00 - 23:00

Friday
09:00 - 23:00

Saturday
09:00 - 23:00

Sunday
09:00 - 23:00

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: 2 Many Wines Ltd

Address: 43 Sixth Avenue
York
YO31 0UR

Telephone number:

Email address: finance@2manywines.co.uk

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

12771807

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

Name: Cyriaque Lajoinie

Address:

[REDACTED]

Telephone number:

[REDACTED]

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

CYC-052772 City of York Council

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. The premises shall operate predominantly as a retail wine shop and wine bar, not a vertical drinking establishment.

2. No more than 10 persons shall be stood at any one time whilst consuming alcohol within the premises.

3. There shall be a minimum of 16 seats provided at all times for customer use inside the premises to negate the need for vertical drinking.

4. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.

- 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. Subject to Data Protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
- 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. Subject to Data Protection requirements.

5. Documented staff training will be given regarding staff's obligation under the Licensing Act 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.

6. 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 a reasonable request from any responsible authority.

7. On Sales of alcohol shall cease no later than 22:30 Hrs on any given day. (This does not affect Off Sales)

8. On Sales of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

9. 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

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

11. 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.

12. No open drinks containers shall be taken out of the licensed premises or (licensed area) onto the pavement or highway, this does not include any area covered by a separate Pavement Café Licence.

13. All off sales of alcohol shall be in sealed containers.

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

No hearing held

Annex 4 – Approved Plan

Plan Number: CD001 Dec 2020

For and on behalf of
the Corporate Director of Place

Date: 30/07/2021

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 68573

Postal address of premises:

3 Bishopthorpe Road

Post town: **York**

Post code: **YO23 1NA**

Telephone number: None

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Live Music
Recorded Music
Supply of Alcohol

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

LIVE MUSIC

Indoors and Outdoors

Monday
12:00 - 22:00

Tuesday
12:00 - 22:00

Wednesday
12:00 - 22:00

Thursday
12:00 - 22:00

Friday
12:00 - 22:00

Saturday
12:00 - 22:00

Sunday
12:00 - 22:00

RECORDED MUSIC

Indoors and Outdoors

Monday
09:00 - 23:00

Tuesday
09:00 - 23:00

Wednesday
09:00 - 23:00

Thursday
09:00 - 23:00

Friday
09:00 - 23:00

Saturday
09:00 - 23:00

Sunday
09:00 - 23:00

SUPPLY OF ALCOHOL

Monday
10:00 - 23:00

Tuesday
10:00 - 23:00

Wednesday
10:00 - 23:00

Thursday
10:00 - 23:00

Friday
10:00 - 23:00

Saturday
10:00 - 23:00

Sunday
10:00 - 23:00

The Opening Hours of the Premises

Monday
09:00 - 23:00

Tuesday
09:00 - 23:00

Wednesday
09:00 - 23:00

Thursday
09:00 - 23:00

Friday
09:00 - 23:00

Saturday
09:00 - 23:00

Sunday
09:00 - 23:00

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: 2 Many Wines Limited

Address: 43 Sixth Avenue
York
YO31 0UR

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

12771807

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

Cyriaque Lajoinie

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

Challenge 25 policy in operation

For and on behalf of the Corporate Director of Place

Date: 01/07/2021

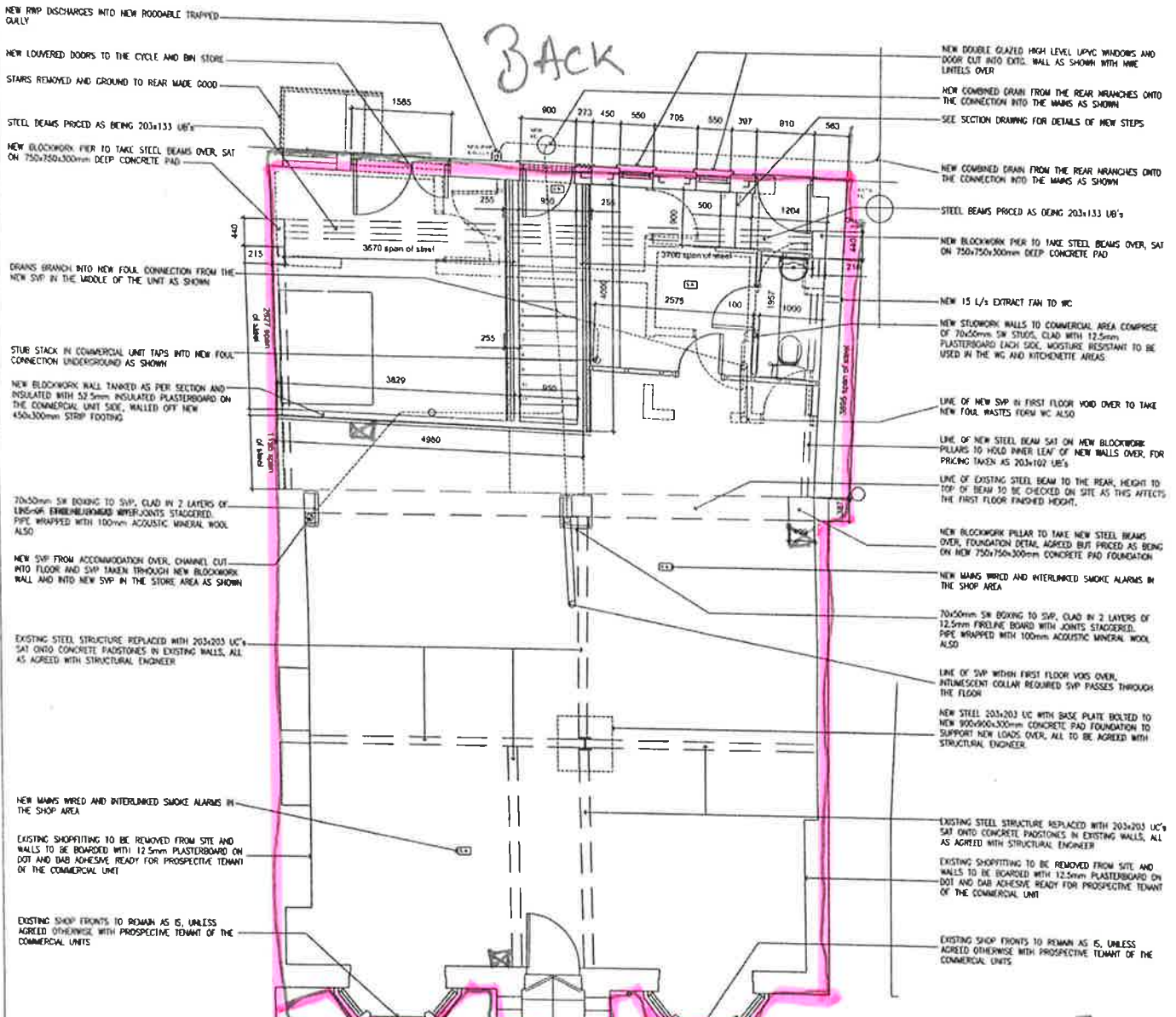
Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

Annex 2

Current Plan

BACK



SCALE 1:50

Rev	By	Note	Date
<p>COMPLETE PLANS2BUILD LTD. ARCHITECTURAL DESIGN</p> <p>1 HERONWOOD ROAD, MULTON, YORK YO21 2LH 01904 702400 www.plans2build.co.uk</p>			
<p>PROJECT: BETFRED, BISHOPTHORPE ROAD, YORK.</p>			
<p>TYPE: Proposed Ground Floor Plan</p>			
<p>CLIENT: DNA Developments Ltd.</p>			
<p>DATE: DEC 2020 1:50 @ A2</p>			
<p>NO: CD 001</p>			
<p>NO: DSR</p>			

ZONE TO LICENCE

☒ Fire equipment

escape route (Steps)

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Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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Cooke, Lesley

From: Booth, Jackie <Jacqueline.Booth@northyorkshire.police.uk>
Sent: 29 March 2022 12:23
To: Finance; Golightly, Michael; licensing@york.gov.uk
Subject: RE: 2 Many Wines - Licence variation application

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

Dear Licensing,

Please see the below email audit trail agreeing conditions and reduced timings in respect of 2 Many Wines.

Cyriaque,
Thank you for your response.
If you have any further queries please do not hesitate to contact me.

Kind Regards

Jackie

PS133 Booth
Force Licensing Manager
Partnership Hub
Tel 101 Ext 30133
Mobile: 07710977979
Email:- Jacqueline.booth@northyorkshire.police.uk

Please note my working days are Mon-Thurs 0700x1700

Committed to the Code of Ethics

From: Finance
Sent: 29 March 2022 11:15
To: Booth, Jackie <Jacqueline.Booth@northyorkshire.police.uk>
Subject: Re: 2 Many Wines - Licence variation application

Hi Jackie

As discussed just now, we agree to the timing below and for the terrace to be licenced for on-sale and open until 9pm.

Also agree on the following:

There shall be no more than 20 seats provided for customer use in the outside seating area.
Customers shall be served by way of waiter/waitress service only.

There shall be no vertical drinking in the outside area.

All tables and chairs in the outside licensed area shall be stacked immediately after 2100hrs and stored away securely within the premises when closed.

I understand that all off-sale should be done from inside the building, thank you for clarifying.

Looking forward to be able to start very soon

Cyriaque

by BIC
2 many Wines
3 Bishopthorpe Rd
YO23 1NA
01904 849532

On 29/03/2022 10:37, Booth, Jackie wrote:

Good Morning Cyriaque.

I have tried to ring you this morning to discuss the below as I have not received a reply to date from you.

I would be grateful if you could respond by email to PC Hollis's original email, or alternatively if you want to call me to discuss this; I am available on the below number until 5pm today.

If I have not received any communication from you by 5pm today I will submit a representation to the Licensing Authority.

Kind Regards

Jackie

PS133 Booth

Force Licensing Manager

Partnership Hub

Tel 101 Ext 30133

Mobile: 07710977979

Email:- Jacqueline.booth@northyorkshire.police.uk

Please note my working days are Mon-Thurs 0700x1700

Committed to the Code of Ethics

From: Hollis, Kimberley <Kimberley.Hollis@northyorkshire.police.uk>
Sent: 22 March 2022 11:02
To: Finance <
Cc: Golightly, Michael <michael.golightly@york.gov.uk>; Booth, Jackie <Jacqueline.Booth@northyorkshire.police.uk>
Subject: 2 Many Wines - Licence variation application

Good Morning Cyriaque,

Thank you for meeting with Michael and myself yesterday at the premises to show us the venue and discuss the variation application.

I have considered this carefully from my side and I can confirm the below is a summary of the timings and amendments that I feel necessary for North Yorkshire Police to support this application.

If you wish to consider and advise if you are happy to agree to this proposal please advise back with a copy to Sgt Jackie Booth (force licensing manager) as I will be away from work after today and she will pick this up on my behalf.

As discussed you do not have to agree to this proposal of timings or conditions but I can advise that North Yorkshire Police will not support the application in its current format or an extension to licensable activities until 2am and will only look at an amendment to sale of alcohol as follows.

Proposed agreement:

Removal of condition 7 (annex 2) regarding sale of alcohol ceasing at 2230hrs. Agreed.

Timings Sale of alcohol :

1000-2300hrs Sunday – Thursday

1000-0000rs Friday and Saturday

Opening times :

0900-2330 Sunday – Thursday

0900-0030 Friday and Saturday

Conditions to be added:

The outside seating area shall close at 2100hrs daily.

There shall be no more than 20 seats provided for customer use in the outside seating area. Customers shall be served by way of waiter/waitress service only.

There shall be no vertical drinking in the outside area.

All tables and chairs in the outside licensed area shall be stacked immediately after 2100hrs and stored away securely within the premises when closed.

I look forward to hearing from you.

Kind Regards,

Kim

PC 1671 Kim HOLLIS

Alcohol Licensing Officer (York)

Partnership Hub

North Yorkshire Police

Mobile 07802 385220

Tel: 101

Working hours:

Mon-Fri 0800-1600hrs

'Committed to the Code of Ethics'



**I Support the
Hidden Disabilities
Sunflower Scheme**

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expressed in this document may not be official policy.

Thank you for your co-operation.

Internet email is not to be treated as a secure means of communication.

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This communication is intended for the addressee(s) only.

Please notify the sender if received in error. Unauthorised use or

disclosure of the content may be unlawful. Opinions

expressed in this document may not be official policy.

Thank you for your co-operation.

Cooke, Lesley

From: licensing@york.gov.uk
Sent: 30 March 2022 16:56
To: Cooke, Lesley
Subject: FW: Premises Licence application for 2 many Wines, 3 Bishopthorpe Road, York

Saved to record.

Thanks

Louise Prashad

Louise Prashad | Licensing | Ext: 4336
t: 01904 552422 | e: louise.prashad@york.gov.uk

City of York Council | Public Protection
Place Directorate | Eco Depot, Hazel Court, James Street | York YO10 3DS
www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)



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From: Golightly, Michael <michael.golightly@york.gov.uk>
Sent: 30 March 2022 16:33
To: licensing@york.gov.uk
Subject: FW: Premises Licence application for 2 many Wines, 3 Bishopthorpe Road, York

Hi All

Public Protection objected to the above premises licence on the grounds of public nuisance. I have, however, mediated with the applicant and so long as the following conditions and timings are attached to the premises licence our representation is withdrawn:

Timings Sale of alcohol :

1000-2300hrs Sunday – Thursday

1000-0000rs Friday and Saturday

Opening times :

0900-2330 Sunday – Thursday

0900-0030 Friday and Saturday

Conditions to be added from Public Protection's perspective:

- Customers shall be served by way of waiter/waitress service only.
- There shall be no vertical drinking in the outside area.

Extra conditions

- Regulated entertainment is to be removed from the premises licence.
- The main door will be kept closed after 23:00 hours other than for ingress and egress.
- Bottles should shall only be disposed of between 07:00hrs and 23:00hrs each day.
- Local businesses and residents will be given a contact number for the DPS.

Conditions to be agreed or agreed in a committee hearing

- All tables and chairs in the outside licensed area shall be stacked immediately after 21:00 hours and stored away securely within the premises when closed.
- The external area shall only be open between the following hours: 10:00 hours and 21:00 hours each day.

Regards

Michael Golightly
Technical Officer

From: Cyriaque <cyriaque@2manywines.co.uk>

Sent: 30 March 2022 16:30

To: Golightly, Michael <michael.golightly@york.gov.uk>

Subject: Re: Premises Licence application for 2 many Wines, 3 Bishopthorpe Road, York

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

Hi

Yes agreed with everything below.

Thank you

Cyriaque Lajoinie
07447302094

On 30/03/2022 16:17, Golightly, Michael wrote:

Hi Cyriaque

I would just like to confirm that you accept the following agreements and conditions on the proposed premises licence:

Timings Sale of alcohol :

1000-2300hrs Sunday – Thursday

1000-0000rs Friday and Saturday

Opening times :

0900-2330 Sunday – Thursday

0900-0030 Friday and Saturday

Conditions to be added from Public Protection's perspective:

- Customers shall be served by way of waiter/waitress service only.
- There shall be no vertical drinking in the outside area.

Extra conditions

- Regulated entertainment is to be removed from the premises licence.
- The main door will be kept closed after 23:00 hours other than for ingress and egress.
- Bottles should shall only be disposed of between 07:00hrs and 23:00hrs each day.
- Local businesses and residents will be given a contact number for the DPS.

Conditions to be agreed or agreed in a committee hearing

- All tables and chairs in the outside licensed area shall be stacked immediately after 21:00 hours and stored away securely within the premises when closed.
 - The external area shall only be open between the following hours: 10:00 hours and 21:00 hours each day.

Regards

Michael Golightly

Technical Officer

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

Document is Restricted

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Cooke, Lesley

From:
Sent: 10 March 2022 11:10
To: licensing@york.gov.uk;
Subject: Licensing Application | Comment as a record

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

Dear Madam / Sir

Ref : Late Licence Application - 2 Many Wines

Date: 02/03/22 **Applicant:** 2 Many Wines **Premises Address:** 3 Bishopthorpe Road
Summary:

Extension to the licensable hours and the boundaries of the licensed area to the front terrace.

Supply of Alcohol: Monday to Sunday 10:00 hrs to 02:00 hrs

Live Music

Monday to Sunday 10:00 hrs to 02:00 hrs

Recorded Music: Monday to Sunday 09:00 hrs to 02:00 hrs **Plays**

Monday to Sunday 10:00 hrs to 02:00hrs

Opening Hours:

Monday to Sunday 10:00 hrs to 02:00 hrs

End of Representation: 30/03/2022

COMMENT

As residents of Darnborough Street York, our property lies approximately 35 metres from the premises [2 Many Wines] which is applying for the late license.

The surrounding areas to the applicant also serve the primary purpose as residential and whilst the street has commercial operations on either side, establishments serving alcohol, playing music, across extended hours pose the following issues for the residents of the area.....

- Dramatically increased noise level omitted from the premises at unreasonable hours
- Impacting the sleep patterns of residents

- Impact on the fundamental basic living standards of all local residents
 - Noise pollution
 - Taxis/uber waiting and sounding horns to notify customers
 - Reduced parking for residents
 - Live music hours extended by 1460hrs per annum [Est 20% increase per annum]
 - Recorded music hours extended by 1460hrs per annum [Est 20% increase per annum]
 - Loitering of patrons after closure
 - Loitering of patrons after closure potentially intoxicated
 - Loitering of patrons after closure potentially intoxicated and chance of altercations
-
- Loitering of patrons after closure potentially intoxicated and chance of altercations / violence
 - Loitering of patrons after closure, littering
 - Loitering of patrons after closure, foul language
 - Al fresco activities and patrons competing with the noise of passing traffic raise of voices / shouting to be heard
 - Consumption of alcohol by patrons close to a very busy road / danger to life

Above cites the fundamental reasons why we strongly oppose granting the extension of the license and we welcome to discuss this matter in person prior to the 30/03/2022.

With this in mind, please could you contact us on the above email address or call

Kind regards

Dear Darnborough Street Resident,

2 Many Wines at 3 Bishopthorpe Road has made a licensing application to extend their opening hours to 02:00 in the morning, 7 days a week. You will see from the application details below that this extends to the supply of alcohol, live and recorded music, and the serving of drinks outside and to the front of their premises (terrace). If granted, this has the strong potential to cause disturbance.

You can make your views about this application known, but this needs to be done before Wednesday 30 March 2022.

To make your views known, please email licensing@york.gov.uk or write to:

City of York, Licensing Services
Hazel Court BraCo Depot
Lancel Street
York
YO10 3DS

Example text you could use or modify:

"We would like to raise concerns about the licensing application that has been submitted by 2 Many Wines at 3 Bishopthorpe Road to extend their opening hours to 02:00 in the morning, 7 days a week and to seat customers outside during these hours. Currently 2 Many Wines is open until 23:00, serving drinks and playing music indoors until this time. This is a residential area and the noise of customers outside the premises or leaving the premises so late at night would cause considerable disturbance and bring the possibility of other anti-social behaviours.

Since there is already disturbance caused by some customers leaving the Angel on the Green at the earlier time of 23:00, there is no doubt that extended opening hours and extended boundaries of the licensed area outside the current premises at 2 Many Wines will cause a significant increase in noise."

DETAILS OF APPLICATION

Date: 02/03/2022
Applicant: 2 Many Wines Ltd
Premises Address: 3 Bishopthorpe Road, YO23 1NA
Summary: Application to vary a premises licence

Extension to the licensable hours and the boundaries of the licensed area to the front terrace.

Supply of Alcohol:
Monday to Sunday
10:00 hrs to 02:00 hrs

Live Music
Monday to Sunday
10:00 hrs to 02:00 hrs

Recorded Music:
Monday to Sunday
09:00 hrs to 02:00 hrs

Plays
Monday to Sunday
10:00 hrs to 02:00hrs

Opening Hours:
Monday to Sunday
10:00 hrs to 02:00 hrs

End of Representation: 28/03/2022

Cooke, Lesley

From:
Sent: 25 March 2022 11:11
To: licensing@york.gov.uk
Subject: Re: FW: Variation of premises licence, 3 Bishopthorpe Road
Attachments: Screenshot 2022-03-25 at 09.08.43.png

Categories: Jan

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

Dear Licensing Team

Many thanks for your email and forwarding on the correspondence from Mr Lajoinie.

The detail he has shared documents an intent to reduce several parameters from the initial submission and we are keen to share the following feedback below

[Pls see comments in line.....

We are reviewing the opening hours, but we will not be looking at opening until 2am. We have discussed the following with the council and the licensing officer:

A key concern shared by the residents [Please see example of anonymous door drop attached] is about the nature of the request for 2am in the initial proposal. Whilst My Lajoinie calls out in his response that there is no intention to not to open until 2am - if this was granted and the property was sub-let then there are serious concerns to the intentions of profiting [in absence] from the increased hours of trading and disruption to the residents principally around...

- 1] The prevention of public nuisance.
- and
- 2] The prevention of crime and disorder.

opening hours would be until 23:00 from Sunday to Thursday (same as now) and 00:00 on Friday and Saturday.

Given an establishment opposite to the representor [Angel On The Green] operates across the following parameters below [application ref CYC-053764] we would be keen to see consistency when reviewing the application by Mr Lajoinie.

- 1] The supply of alcohol inside the venue for consumption on and off the premises to be 11am to 23:00hrs only on all days
- 2] No licensable activity shall take place in the Outside Patio Area after 20:00hrs on all days to prevent public nuisance being caused to nearby residents
- 3] A barrier screening shall be installed around the Outside Patio Area to delineate this from the highway, and such barrier screening shall be in place at all times when the Outside Patio area is in use.

Beyond the above, The Angel on The Green is also required to remove the tables by 8pm latest [each day] to avoid loitering and individuals sitting on them post this time.

We wouldn't be playing music, have plays or any other entertainment outside in the evening.

As per application approval for [CYC-053764] no music [recorded/played/dj] would be allowed outside at all times and inside the venue curtailed at 23:00hrs

Our terrace would be open until 9pm (same as for the other venues on the street).

Understood, with the prompt removal of patrons on the hour and prompt removal of all tables and chairs.

Our customer base is mainly composed of young professionals, young families, more established families and couples and we have a task to create a responsible drinking environment for the younger generation, this is a priority for us.

Completely agree, the gentrification of the area is a big plus and we understand that there is a fine balance between allowing new businesses to flourish whilst respecting what still remains a residential area. We believe the above strikes that balance in a way that allows for extremely credible hours of trading and sufficient protection to the residents.

We like to think that we are a very reasonable wine shop/bar owners and apologise for the scare we have created by wanted to extend the opening hours to unreasonable hours.

Thank you, as you are aware the family have lived on the street for many years. We know it very well, the patterns of behavior of life on the street therefore our sentiment around our concerns are genuine and drawn from experiences over the years.

We are also mindful that the above recommendations would protect all establishments on the street in terms of attracting the wrong kind of attention and provide a great foundation to trade for the years to come.

In summary, these are the key points that we would like to be documented in any approval whilst there will be representation from the family [subject to health] at the hearing.

Please do not hesitate to contact us with any questions related to the above.

Kind regards

On Wed, Mar 23, 2022 at 10:00 AM licensing@york.gov.uk <licensing@york.gov.uk> wrote:

Dear

Please see the email below from the applicant for the licence variation for 3 Bishopthorpe Road.

Please let us know if you would like to amend or withdraw your representation on the basis of the information below.

regards

Licensing Team

City of York Council | Public Protection

Hazel Court Eco Depot, James Street, York, YO10 3DS

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From: Cyriaque
Sent: 22 March 2022 17:02
To: licensing@york.gov.uk
Subject: Re: Variation of premises licence, 3 Bishopthorpe Road
Importance: High

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

Hi

Please see our response below

"Dear

We have received your concern from the council and we would like to update you on the latest regarding our application.

The well being of our neighbours and the environment we are establishing ourselves in is very important to us and we love getting support from the local community also receiving advice from people who have been trading in the street (past and current).

We are reviewing the opening hours, but we will not be looking at opening until 2am. We have discussed the following with the council and the licensing officer:

opening hours would be until 23:00 from Sunday to Thursday (same as now) and 00:00 on Friday and Saturday.

We wouldn't be playing music, have plays or any other entertainment outside in the evening.

Our terrace would be open until 9pm (same as for the other venues on the street).

Our customer base is mainly composed of young professionals, young families, more established families and couples and we have a task to create a responsible drinking environment for the younger generation, this is a priority for us.

We like to think that we are a very reasonable wine shop/bar owners and apologise for the scare we have created by wanted to extend the opening hours to unreasonable hours.

I hope that we will be able to welcome you in our establishment very soon and that we have managed to reassure you.

All the best

On 22/03/2022 16:00, licensing@york.gov.uk wrote:

Dear Sir

We have received a representation from a neighbour in respect of your application for variation which is attached.

You may wish to engage with the representor to discuss their objection. If you would like to reply to the objector we can send your reply onto them via this email.

Kind regards

Licensing Section

t: 01904 552422 | e: licensing@york.gov.uk

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Place Directorate, Hazel Court Eco Depot, James Street, York, YO10 3DS

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Cooke, Lesley

From: . . .
Sent: 22 March 2022 19:56
To: licensing@york.gov.uk
Cc:
Subject: Representation re: application for extension of alcohol and music licences regarding: 2 Many Wines, Bishopthorpe Road, York.

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Representation re: application for extension of alcohol and music licences regarding:
2 Many Wines, Bishopthorpe Road, York.

Residents making representation:

We wish to make a representation about the above application to change existing alcohol and music licencing conditions on the following grounds:

The prevention of public nuisance

The proposed extension of the boundaries onto the pavement and the longer hours of the alcohol licence will increase the likelihood of a public nuisance for local residents, in particular around the residential area on St Benedicts Road which faces the rear of the commercial properties on Bishopthorpe Road.

In particular, we believe that the extension of the licensing hours to 02.00 will encourage more people to visit the road after 11 for the opportunity of drinking and socialising beyond the usual 11 pm restriction.

We believe that the parking bays opposite the properties on Promenade Row and other sections of St Benedict's Road will be used as convenient parking and that the residents will be subject to disruption and noise during the night.

We have good reasons for this assumption. We have lived here for 8 years and remember well the noise disruption caused by the cars and the delivery drivers from the then Dominos Pizza shop (now part of Robinsons).

Domino's planning application to extend their working hours was refused on the ground of the disruptive noise affecting local residents including those on Promenade Row. They were already operating beyond the hours permitted This is a matter of public record. The noise included banging car doors, loud conversations and fights during the small hours of the morning.

Additionally, the application for live music until 0200 will also cause a public nuisance. Live music is often amplified and the noise will affect many residential properties in the area.

We hope that you will take these representations into consideration and look forward to hearing the outcome of these applications.

Yours sincerely,

23/03/2022

Cooke, Lesley

From: >
Sent: 30 March 2022 20:48
To: licensing@york.gov.uk
Subject: Re: 2 Many Wines, 3 Bishopthorpe Road, York - Application to Vary the Premises Licence

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

Dear Lesley,
Thank you very much indeed for this information

We welcome the amendments to the application which have been arrived at through the process of mediation, and wish to thank all the parties involved.

However, we are minded to continue with the representation for the following reasons:

1. We do not understand why the times of the last sales and closing times on Fridays and Saturdays are different from other businesses on the road - The Angel on the Green opposite, for example. Might this encourage other businesses to open later on these days and bring more people into the area looking for a later drinking time? It could alter the current good relations between the businesses and the local residents which is such a positive and attractive aspect of this area.
2. Our main concern in our representation is about the disturbance which may occur as a result of customers parking opposite the houses in Promenade Row. As stated in our original representation, we have had past experience of disturbances caused by people parking in close proximity to bedrooms after 11pm and worry that the current proposals may result in this happening again.

Please advise us how to make these points to the licensing committee now that the original application has changed.

Yours sincerely,

On Wed, 30 Mar 2022 at 08:35, licensing@york.gov.uk <licensing@york.gov.uk> wrote:

Good Morning

I am writing with regards to your representation (objection) relating to the application to vary the premises licence for the above premises. North Yorkshire Police has mediated with the applicant who has agreed to modify the application, the hours and conditions agreed with the Police are detailed below:

Timings Sale of alcohol:

10:00hrs - 23:00hrs – Sunday – Thursday

10:00hrs - midnight – Friday and Saturday

Opening times:

09:00hrs – 23:30hrs – Sunday – Thursday

09:00hrs – 00:30hrs – Friday and Saturday

Conditions to be added:

1. The outside seating area shall close at 21:00hrs daily.
2. There shall be no more than 20 seats provided for customer use in the outside seating area. Customers shall be served by way of waiter/waitress service only.
3. There shall be no vertical drinking in the outside area.
4. All tables and chairs in the outside licensed area shall be stacked immediately after 21:00hrs and stored away securely within the premises when closed.

If the modification to the application have satisfied your concerns in relation to this application and you now wish to withdraw your representation please confirm in writing (via email), please make it clear that you are withdrawing your representation. If we do not hear from you we will assume that you want your representation to stand and this application will be determined at a Sub-Committee hearing.

As the last date for representation is today, we have to start the process with regards to arranging a hearing tomorrow, therefore if you receive notifications from the Council Democratic Services Section before you have had time to consider this email, please do not think this prevents you from withdrawing your representation, if you wish you can withdraw your representation at any time prior to the hearing.

Due to the modifications to the application, if you wish for your representation to stand, you can also submit additional information that can be considered by Councillors who will determine this application, details of how to do this will be provided within the notification sent out by Democratic Services.

I have attached guidance notes with regards to representations that you may find useful.

Kind regards

Lesley

Lesley Cooke | Licensing Manager

Cooke, Lesley

From: Wherrett, Janice
Sent: 29 March 2022 09:28
To: Cooke, Lesley
Subject: FW: 2 Many Wines

Importance: High

FYI

From:
Sent: 28 March 2022 14:50
To: Wherrett, Janice <Janice.Wherrett@york.gov.uk>
Subject: Re: 2 Many Wines

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

Hi Janice (as requested, post code at bottom with sign off),

I would like to raise concerns about the licensing application that has been submitted by 2 Many Wines at 3 Bishopthorpe Road to extend their opening hours until 02.00 in the morning, 7 days a week and to seat customers outside during these hours. Currently 2 Many Wines is open until 23.00, serving drinks and playing music indoors until this time.

This is a residential area, with many people having young families - I myself being one of these people. The noise of customers outside these premises or leaving the premises so late at night would cause considerable disturbance and bring the possibility of other anti social behavior. I am already struggling with an increase in rubbish blowing into my front garden, as well as hearing fights break out over weekends!

Since there is already disturbance caused by some customers leaving the Angel on the Green at the earlier time of 23.00, there is no doubt that extended opening hours and extended boundaries of the licensed area outside the current premises at 2 Many Wines will cause a significant increase in noise.

I like living in this area as it is a safe, family area next to good schools. This is unwelcome and will change the make up of the area.

I will appreciate being kept informed on this.

Kind Regards,

Sent from my iPhone

On 28 Mar 2022, at 14:22, Wherrett, Janice <Janice.Wherrett@york.gov.uk> wrote:

Good Afternoon

Thank you for your email, in order for us to accept this as a written representation can you please resend including your full postal address.

*Kind Regards
Janice*

Janice Wherrett | Licensing Assistant
t: 01904 552422 | janice.wherrett@york.gov.uk
City of York Council | Place Directorate, Public Protection,
Hazel Court Eco Depot, James Street | York YO10 3DS
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From:
Sent: 25 March 2022 14:18
To: licensing@york.gov.uk
Subject: 2 Many Wines

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

To whom it may concern,

I would like to raise concerns about the licensing application that has been submitted by 2 Many Wines at 3 Bishopthorpe Road to extend their opening hours until 02.00 in the morning, 7 days a

week and to seat customers outside during these hours. Currently 2 Many Wines is open until 23.00, serving drinks and playing music indoors until this time.

This is a residential area, with many people having young families - I myself being one of these people. The noise of customers outside these premises or leaving the premises so late at night would cause considerable disturbance and bring the possibility of other anti social behavior. I am already struggling with an increase in rubbish blowing into my front garden, as well as hearing fights break out over weekends!

Since there is already disturbance caused by some customers leaving the Angel on the Green at the earlier time of 23.00, there is no doubt that extended opening hours and extended boundaries of the licensed area outside the current premises at 2 Many Wines will cause a significant increase in noise.

I like living in this area as it is a safe, family area next to good schools. This is unwelcome and will change the make up of the area.

I will appreciate being kept informed on this.

Kind Regards,

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Cooke, Lesley

From:
Sent: 30 March 2022 12:29
To: licensing@york.gov.uk
Subject: Re: 2 Many Wines, 3 Bishopthorpe Road, York - Application to Vary the Premises Licence

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

Good Morning Lesley,

Thank you for your email.

I do still wish to oppose the licence extension - I am not sure on what I am being instructed to do in order to still oppose this?

I strongly believe that extension past 23.00 will cause unnecessary disruptions and social issues, especially around race dates, in a residential family area. If businesses with to remain open so late they need to move further into the city centre.

Please advise on my next steps?

Thanks

On Wednesday, 30 March 2022, 08:36:02 BST, licensing@york.gov.uk <licensing@york.gov.uk> wrote:

Good Morning

I am writing with regards to your representation (objection) relating to the application to vary the premises licence for the above premises. North Yorkshire Police has mediated with the applicant who has agreed to modify the application, the hours and conditions agreed with the Police are detailed below:

Timings Sale of alcohol:

10:00hrs - 23:00hrs – Sunday – Thursday

10:00hrs - midnight – Friday and Saturday

Opening times:

09:00hrs – 23:30hrs – Sunday – Thursday

09:00hrs – 00:30hrs – Friday and Saturday

Conditions to be added:

1. The outside seating area shall close at 21:00hrs daily.

2. There shall be no more than 20 seats provided for customer use in the outside seating area. Customers shall be served by way of waiter/waitress service only.
3. There shall be no vertical drinking in the outside area.
4. All tables and chairs in the outside licensed area shall be stacked immediately after 21:00hrs and stored away securely within the premises when closed.

If the modification to the application have satisfied your concerns in relation to this application and you now wish to withdraw your representation please confirm in writing (via email), please make it clear that you are withdrawing your representation. If we do not hear from you we will assume that you want your representation to stand and this application will be determined at a Sub-Committee hearing.

As the last date for representation is today, we have to start the process with regards to arranging a hearing tomorrow, therefore if you receive notifications from the Council Democratic Services Section before you have had time to consider this email, please do not think this prevents you from withdrawing your representation, if you wish you can withdraw your representation at any time prior to the hearing.

Due to the modifications to the application, if you wish for your representation to stand, you can also submit additional information that can be considered by Councillors who will determine this application, details of how to do this will be provided within the notification sent out by Democratic Services.

I have attached guidance notes with regards to representations that you may find useful.

Kind regards

Lesley

Lesley Cooke | Licensing Manager

t: 01904 552422 | e: licensing@york.gov.uk

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Cooke, Lesley

From:
Sent: 29 March 2022 12:56
To: licensing@york.gov.uk
Cc: Wherrett, Janice
Subject: 3 Bishopthorpe Rd licensing application

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

Dear Sir/Madam,

I would like to raise concerns about the 3 Bishopthorpe Road licencing application for 2 Many Wines for extending opening hours to 2AM every day of the week, and seating customers outside during these times.

Currently 2 Many Wines is open until 11PM, with no outdoor areas.

This licencing application represents a large change from existing licensing in the area - The Angel on the Green closes at 11PM.

3 Bishopthorpe Road is located in a residential area and clearly the proposed changes will increase noise and disturbance to residents considerably, as well as the possibility of other anti-social behaviours given that the proposed opening times are so much later than other licensed premises in the area.

Kind regards,

5

Cooke, Lesley

From:
Sent: 29 March 2022 21:58
To: licensing@york.gov.uk
Subject: objection to extending opening hours for 2 Many Wines

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

We, (, would like to raise concerns about the licencing application that has been submitted by 2 Many Wines at 3 Bishopthorpe Road to extend their opening hours to 02:00 in the morning, 7 days a week and to seat customers outside during these hours. Currently 2 Many Wines is open until 22:30, serving drinks until this time. This is a residential area and the noise of customers outside the premises or leaving the premiscs so late at night would cause considerable disturbance and bring the possibility of other anti-social behaviours.

2 Many wines has been a welcome addition to the street and we wish the company well. However, since there is already disturbance caused by some customers leaving the Angel on the Green at the earlier time of 23:00, there is no doubt that extended opening hours and extended boundaries of the licensed area outside the current premises at 2 Many Wines will cause a significant increase in noise. We do not see the rationale for extending opening hours to beyond that allowed at the Angel on the Green as well as other pubs in the area such as The Swan.

Best wishes,

Cooke, Lesley

From:
Sent: 30 March 2022 12:03
To: licensing@york.gov.uk
Subject: Re: objection to extending opening hours for 2 Many Wines

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Dear Lesley,

Thank you for providing this additional information. In light of the information you have provided, we would like to modify our representation to be as follows:

2 Many wines has been a welcome addition to the street and we wish the company well. It is great to hear that the applicant has modified their application to limit the timing of sale of alcohol and opening times. The additional conditions for use of the outside seating area are also very welcome and shows good consideration for the needs of the local residents.

However, we would still like to register our objection to the late sale of alcohol time of midnight and closing time of 00:30 on Fridays and Saturdays.

This is a residential area and the noise of customers leaving the premises so late at night would cause considerable disturbance and bring the possibility of other anti-social behaviours. Since there is already disturbance caused by some customers leaving the Angel on the Green at the earlier time of 23:00, there is no doubt that extending the opening hours at 2 Many Wines will cause a significant increase in noise.

We do not see the rationale for extending opening hours to beyond that allowed at the Angel on the Green as well as other pubs in the area such as The Swan. Indeed, if 2 Many Wines is allowed the extended opening hours on Friday and Saturday this sets a precedent for other establishments to do the same. It therefore only seems fair (to both residents and venues) to match the opening times of other establishments in the area, and not to exceed them.

Best wishes,

On Wed, 30 Mar 2022 at 09:03, licensing@york.gov.uk <licensing@york.gov.uk> wrote:

Good Morning

Thank you for your representation (objection) relating to the application to vary the premises licence for the above premises which has been logged.

North Yorkshire Police has mediated with the applicant who has agreed to modify the application, the hours and conditions agreed with the Police are detailed below:

Timings Sale of alcohol:

10:00hrs - 23:00hrs – Sunday – Thursday

10:00hrs - midnight – Friday and Saturday

Opening times:

09:00hrs – 23:30hrs – Sunday – Thursday

09:00hrs – 00:30hrs – Friday and Saturday

Conditions to be added:

1. The outside seating area shall close at 21:00hrs daily.
2. There shall be no more than 20 seats provided for customer use in the outside seating area. Customers shall be served by way of waiter/waitress service only.
3. There shall be no vertical drinking in the outside area.
4. All tables and chairs in the outside licensed area shall be stacked immediately after 21:00hrs and stored away securely within the premises when closed.

If the modification to the application have satisfied your concerns in relation to this application and you now wish to withdraw your representation please confirm in writing (via email), please make it clear that you are withdrawing your representation. If we do not hear from you we will assume that you want your representation to stand and this application will be determined at a Sub-Committee hearing.

As the last date for representation is today, we have to start the process with regards to arranging a hearing tomorrow, therefore if you receive notifications from the Council Democratic Services Section before you have had time to consider this email, please do not think this prevents you from withdrawing your representation, if you wish you can withdraw your representation at any time prior to the hearing.

Due to the modifications to the application, if you wish for your representation to stand, you can also submit additional information that can be considered by Councillors who will determine this application, details of how to do this will be provided within the notification sent out by Democratic Services.

I have attached guidance notes with regards to representations that you may find useful.

Kind regards

Lesley

Lesley Cooke | Licensing Manager

t: 01904 552422 | e: licensing@york.gov.uk

City of York Council | Public Protection

Place Directorate | Eco Depot, Hazel Court, James Street | York YO10 3DS

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From:
Sent: 29 March 2022 21:58
To: licensing@york.gov.uk
Subject: objection to extending opening hours for 2 Many Wines

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

We, _____, would like to raise concerns about the licencing application that has been submitted by 2 Many Wines at 3 Bishopthorpe Road to extend their opening hours to 02:00 in the morning, 7 days a week and to seat customers outside during these hours. Currently 2 Many Wines is open until 22:30, serving drinks until this time. This is a residential area and the noise of customers outside the premises or leaving the premises so late at night would cause considerable disturbance and bring the possibility of other anti-social behaviours.

2 Many wines has been a welcome addition to the street and we wish the company well. However, since there is already disturbance caused by some customers leaving the Angel on the Green at the earlier time of 23:00, there is no doubt that extended opening hours and extended boundaries of the licensed area outside the current premises at 2 Many Wines will cause a significant increase in noise. We do not see the rationale for extending opening hours to beyond that allowed at the Angel on the Green as well as other pubs in the area such as The Swan.

Best wishes,

Help protect the environment! - please don't print this email unless you really need to.

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Cooke, Lesley

From:
Sent: 30 March 2022 11:24
To: licensing@york.gov.uk
Subject: 2 Many Wines Ltd

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

I would like to raise my concerns about the licencing application that has been submitted by 2 Many Wines at 3 Bishopthorpe road to extend their opening hours to 02:00 in the morning, 7 days a week and to seat customers outside during these hours. Currently 2 Many Wines is open till 23:00, serving drinks and playing music indoors until this time. This area is a residential area and the noise of customers outside the premises or leaving the premises so late at night would cause considerable disturbance and bring the possibility of of other anti social behaviours.

We are already have disturbance from the Angel on the Green at the earlier time of 23:00, there is no doubt that extended opening hours and extended boundaries of the licensed area outside the current premises at 2 Many Wines will cause a significant increase in noise. I also note that the Angel on the Green, as part of their licence has to have the outside seating area cleared by 20:00 so as to limit the impact on the local residents. I feel this should also apply to 2 Many Wines so as not to impact on the area with noise and possible anti social behaviours.

Yours Sincerely

Cooke, Lesley

From:
Sent: 30 March 2022 12:33
To: licensing@york.gov.uk
Subject: 2 Many Wines Ltd

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

Hello,

I am a local resident living within 100 metres of the above mentioned business on Bishopthorpe Road.

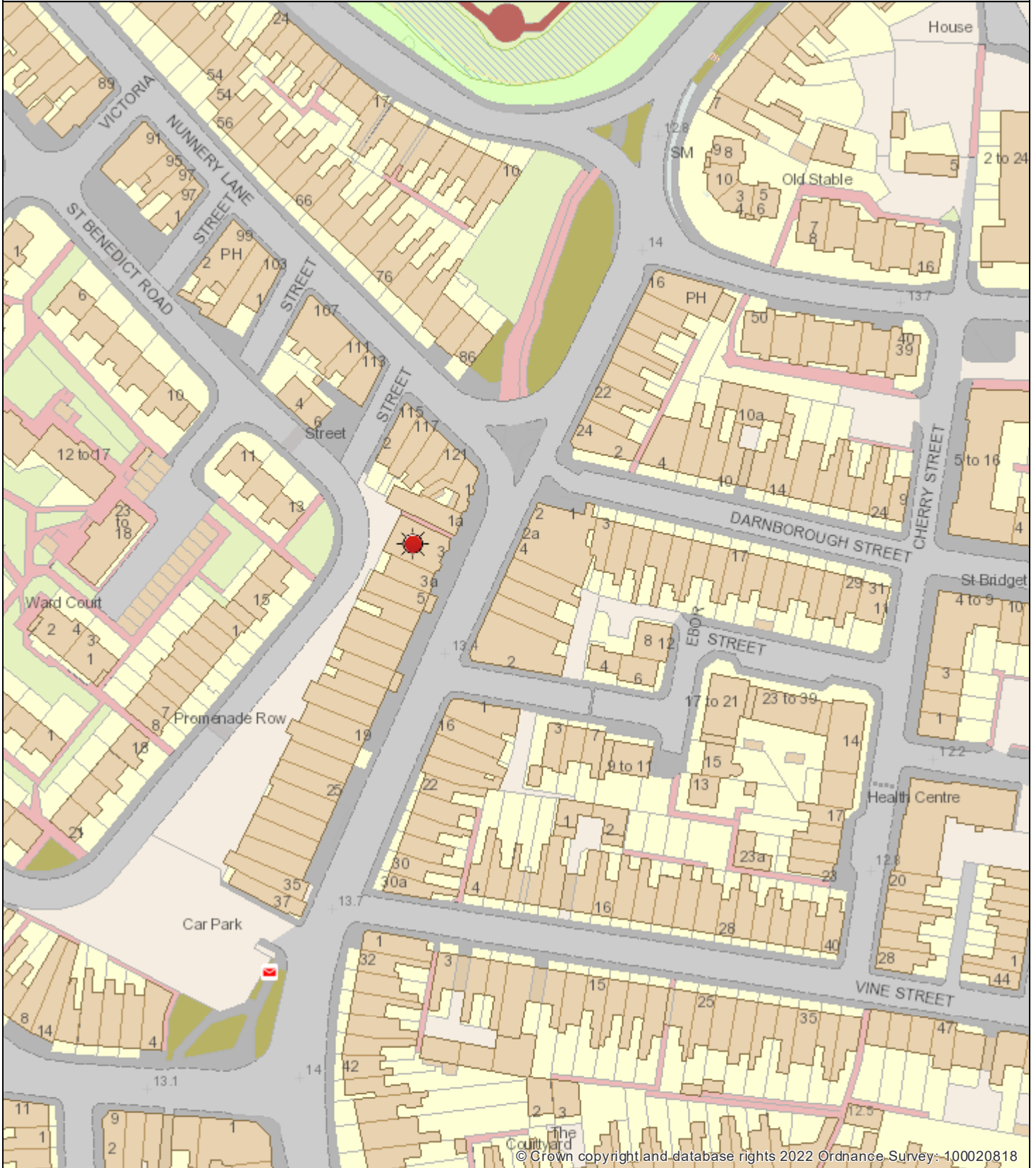
I would like to raise concerns about the variation of their license conditions.

We already have noise from the Angel on the Green, having this until 2am from 2 Many Wines would create extra unwanted noise, and the possibility of disturbance and other anti social behaviour. The fact that 2 established public houses in the area both have to close their beer gardens to prevent noise shows that complaints have been raised in the past about noise.

I hope you take these comments into consideration, and refuse the application to vary the licence at 2 Many Wines Ltd. I will be very disappointed if these extensions were granted in any form. Even having them sat outside on the street is upsetting to say the least.

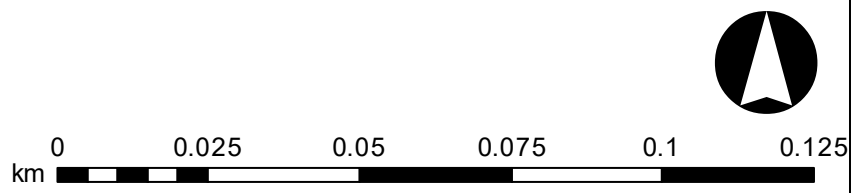
Kind regards,

Annex 8



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Date: 31 Mar 2022
Author: City of York Council
Scale: 1:1,250



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

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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

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

7. The responsible person must ensure that –

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

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

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

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

MANDATORY CONDITION: ALCOHOL PRICING

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

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

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

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

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

where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

MANDATORY CONDITION: DOOR SUPERVISION

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

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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Legislation and Policy Considerations

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

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