

## Licensing/Gambling Hearing

**To:** Councillors Galvin, Hook and Wann  
**Date:** Monday, 16 May 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

To approve and sign the minutes of the Licensing Hearing held on 11 April 2022.

**6. The Determination of an Application by Hilt Adventures Ltd. for a Section 35(3) (a) Variation of a Premises Licence for The Hilt, 57 Goodramgate, York YO1 7LS (CYC-066940)**

Democratic Services officer:

Name: Fiona Young

Contact Details:

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

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

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

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی 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 Representatives within 5 working days of the decision being made.

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

City of York Council

Committee Minutes

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Meeting	Licensing/Gambling Hearing
Date	11 April 2022
Present	Councillors Galvin, Looker and Melly

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**35. Chair**

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

**36. Introductions**

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

**37. Declarations of Interest**

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

**38. 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.

**39. Minutes**

Resolved: That the minutes of the hearing held on 20 December 2021 be approved as a correct record, to be signed by the Chair at a later date.

**40. 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)**

Members considered an application by 2 Many Wines for the variation of a premises licence in respect of 3 Bishopthorpe Road, York YO23 1NA.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance

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

1. The application form.
2. The papers before it, including the additional papers published in the Agenda Supplement and the written representations.
3. The Licensing Manager's report, and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes, noting that the premises were not in the cumulative impact area (CIA) and confirming that the Applicant had carried out the consultation process correctly. She highlighted the fact that the original application had been modified following mediation with North Yorkshire Police and the Environmental Protection Unit, including the changes to the proposed operating hours set out in paragraph 5 of the report and the additional conditions set out in Annexes 4 and 5. She drew attention to the representations from local residents contained in Annex 7, and the additional information in the Agenda Supplement. Finally, she advised the Sub Committee of the options open to them in determining the application.

4. The representations made by Cyriaque Lajoinie on behalf of 2 Many Wines (henceforth referred to as the Applicant).

The Applicant apologised that the original application had caused a stir, and said he thought that a reasonable agreement had now been reached. He stated that the reason for the application was to increase the revenue from the premises in order to create employment, as well as responding to the comments of customers, who often asked if they could stay later. With regard to extending the licensed area to the front terrace, many nearby businesses had similar terraces and a 9pm closure seemed reasonable. There were signs outside the premises to ensure that everyone behaved respectfully. The premises were well managed and staff were trained, so that there were no problems with the community.

The Applicant went on to state that he and his business partner wanted to raise an extra £2k per month to employ someone to run the business when they needed to be elsewhere. He outlined the support that the business provided to the local community and charities. He explained that the approach that he and his partner took was to encourage people not to drink for the sake of drinking but to have something to eat as well, as in their home countries of France and Italy. The premises also operated as a shop, and a venue for art and sculpture. The aim was to be progressive, and to build a good relationship with the community to ensure that the business survived and continued to operate.

The Applicant then called Ysanne Neal as a witness. Ms Neal said she had previously worked alongside the Applicant in a city centre venue. She stated that the Bishopthorpe Road premises operated responsibly and provided something new in York. It was a good fit for the area and should be allowed the opportunity to expand its operation.

In response to questions from Members of the Sub-Committee, the Applicant stated that:

- Café-style food was available at the premises every day and throughout the day, from 10 am.
- Late night refreshment was not provided.

*(The Licensing Manager confirmed at this point that 'late night refreshment' in licensing terms was hot food provided between 11 am and 5 am).*

- He wanted to provide the same service in the outside area as inside - that is, table service – so that bottles of wine could be served to the outside tables.
  - The outside area was enclosed by removable furniture, including 2 planters on wheels that also served as storage boxes, all of which was brought inside after closure.
  - The business was part of the 'Bishy Road' community.
5. The representations made by Paula Elenor, a local resident.

Ms Elenor stated that she welcomed the presence of the Applicant's operation in Bishopthorpe Road and that it was a well-run and responsible business that had brought benefits to the area. She also appreciated that in choosing to live in close proximity to a number of businesses, residents had to weigh up the benefits against the inconveniences. However, she was concerned about the proposed extension of operating hours beyond 11pm, specifically in relation to the public car parking bay close to the sleeping areas in her home, which she feared would be used by patrons of the business late at night. She usually went to bed at 10 pm and while some disruption was to be expected, the parking bay was closer than the people using it probably realised and disturbance was caused by car doors, people talking etc. She was also worried that the extension of hours could be the 'thin end of the wedge'.

In response to questions from Members of the Sub-Committee, Ms Elenor stated that:

- Another business near her home, the Lal Quila, closed at 11pm; there was noise from there but mostly from staff.
- Her experience had been miserable when the premises operated as Domino's 5 years ago, with a 2 am closing time.
- She could live with an 11 pm finish time but any hours beyond that would be less tolerable.

- She didn't really want to have to contact the applicant every time there was a problem, though he had offered this and had been very good.
  - It was the council's responsibility to consider the delicate balance (of residents and businesses) in the area.
6. The representations made by Richard Wetherill, a local resident.

Mr Wetherill stated that he agreed with Ms Elenor's comments and that Bishopthorpe Road was a fine balance of commercial and residential concerns. His parents had lived there for 40 years. He felt there should be consistency in the hours of operation of businesses in the area and that the Angel on the Green had set a precedent which should be followed. He said that customer dwell time, social chat and raised voices should be taken into consideration, as well as the time taken to clear the outside area and the noise of cabs arriving. It was a question of striking a balance between levels of noise and the hours of operation. He fully supported the activities in Bishopthorpe Road, which was flourishing, but again thought a balance must be struck to achieve that unique street feel.

The Representors and the Applicant were each then given the opportunity to sum up.

Ms Elenor summed up, stating that she had nothing more to add to her previous comments but hoped that things could be kept friendly and constructive.

Mr Wetherill summed up, asking what would happen if the premises were sub-let to an operator who did not have the same understanding and approach as the Applicant. *(The Licensing Manager confirmed at this point that the licence remained with the premises until surrendered, revoked, or lapsed, and so could be taken over by a different operator.)*

The Applicant summed up, stating that he checked with his customers as they left to ensure they would not be driving if they had been drinking. Staff were also trained to ask people to be quiet as they left, and no standing was

allowed in the outside area. He was not planning to go anywhere else, having signed a 10-year lease for the premises last year and with children at school in York.

Members of the Sub-Committee sought clarification from the Applicant on how he planned to enforce Condition 12 of the licence (*page 53 of the agenda papers*), preventing open drinks containers being taken off the premises, if the outside area was licenced.

The Applicant replied that off-sales would only take place inside and that the terrace was always staffed.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Modify the conditions of the licence. This option was **approved**.

Option 2: Reject the whole or part of the application. This option was **rejected**.

Resolved: That Option 1 be approved and that:

- (i) The licensable activities, days and hours be varied as follows:

Activity	Timings
Supply of alcohol – on and off the premises	Sunday to Thursday - 10:00 - 23:00  Friday & Saturday – 10:00 - midnight
Opening hours	Sunday to Thursday – 09:00 – 23:3

	Friday & Saturday – 09:00 – 00:30
Live music	Removed from licence
Recorded music	Removed from licence
Performance of plays	Removed from licence

- (ii) The currently licensed area be extended to include the outside front ground floor area on Bishopthorpe Road shown edged red on the plan submitted with the application (“the outside seating area”) SUBJECT TO the above timings and the restrictions set out in the additional and varied conditions below.
- (iii) The following additional and varied conditions be imposed:
- (a) The outside seating area shall only be open between the hours of 10:00 and 21:00 daily.
  - (b) There shall be no more than 20 seats provided for customer use in the outside seating area.
  - (c) Customers shall be served by way of table service only in the outside seating area.
  - (d) There shall be no vertical drinking in the outside seating area.
  - (e) All tables and chairs in the outside seating area shall be stacked immediately after 21:00 daily and shall be stored away securely within the premises when closed.
  - (f) The main door for the premises will be kept closed after 23:00 hours daily other than for immediate ingress and egress.
  - (g) Bottles shall only be disposed of between 07:00 and 23:00 each day.

- (h) A direct telephone number for the Designated Premises Supervisor shall be provided to local businesses and residents.
- (i) Condition 2 in Annex 2 of the licence shall be varied to refer to 'inside the premises'.
- (j) Condition 7 in Annex 2 of the current licence shall be removed from the licence.

Reasons:

- (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- (ii) The Sub-Committee noted that the premises are not located within an area where a Cumulative Impact Policy applies.
- (iii) The Applicant had amended the application to scale back the licensable activities and timings proposed. The Applicant had agreed specific conditions with the Police and Public Protection and that this had led to the absence of representations on their part.
- (iv) The Sub-Committee noted the concerns of Representors that an extension of licensable activities and extension of the licensed area at the premises to include the area to the front pavement on Bishopthorpe Road would lead to an increase in public nuisance. However, the Sub Committee felt that with the imposition of suitable conditions, it was unlikely that public nuisance to local nearby residents would be caused by these variations to the licence.
- (v) The Sub-Committee did not consider that the proposed extension to the hours in which alcohol would be supplied and the use of the outside area would lead to crime and disorder or that the proposed licence variation would have any material impact on the licensing objectives.

Cllr J Galvin, Chair

[The meeting started at 10.07 am and finished at 11.30 am].



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**Licensing Act 2003 Sub Committee****16 May 2022**

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

**Section 35(3) (a) Application for variation of a premises licence for The Hilt, 57 Goodramgate, York YO1 7LS****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 - 066940
3. Name of applicant: Hilt Adventures Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The application seeks to remove and amend conditions on the licence as follows:

Conditions 9, 11 & 14 to be removed.

*9. The applicant must conduct a full risk assessment in respect of the axe throwing with a zero tolerance policy for consumption of alcohol prior to throwing. Customers must be made aware of this policy and a documented copy must be kept. This document must be kept for a minimum of 12 months and must be made available upon reasonable request from the Police or Responsible authority.*

*11. No customer who is identified as intending to take part in axe throwing shall be served any alcohol prior to throwing. They may be served alcohol following their throwing session only.*

*14. No alcohol is permitted in the 'throwing area' only in the restaurant/bar area as shown on the plans.*

The suggested replacement conditions are contained within the operating schedule at paragraphs 10 to 14.

There is no change to the hours or licensable activity being sought by this variation application.

### **Background**

6. A copy of the application can be found at Annex 1.
7. The premises is described in the application as an indoor axe throwing centre with restaurant/café.
8. The premises was granted a premises licence by the City of York Council in October 2020, a copy of the current licence is at Annex 2.

### **Promotion of Licensing Objectives**

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

#### **10. General**

- a) All alcohol pre-purchased via booking.
- b) No alcohol sold to axe throwers on site.
- c) Strict enforcement of 2 drink limit.
- d) No spirits.
- e) All coaches trained to oversee sessions, one dedicated coach per group with max group size of 12.
- f) Axes are light and not kept sharp, targets and bays designed to eliminate bouncing, see addendum documents.
- g) Alcohol consumption is safest when controlled by organiser.
- h) Clearly communicated terms and conditions sent digitally at time of booking, again at check in and then once during safety briefing at start of session.

#### **11. The Prevention of Crime and Disorder**

- a) Axes locked away in staff room when not in use.
- b) Two alcoholic drinks per customer.
- c) Controlled session times, maximum duration of 75 minutes.
- d) Access to axe throwing bays controlled by manager.
- e) No public access to axe throwing area when sessions are not taking place.

#### **12. Public Safety**

- a) Regularly reviewed and updated safety standards and policies.
- b) Axes never removed from bays during sessions, controlled by dedicated axe coach at all times.
- c) Bays are separated by a barrier and corridor from the restaurant and bar area.

**13. The Prevention of Public Nuisance**

- a) All staff are trained to monitor alcohol consumption and enforce health and safety policy.
- b) No axe throwing sessions to run past 20:15.

**14. The Protection of Children from Harm**

- a) No alcohol permitted in groups where alcohol has been purchased.
- b) No persons under 18 permitted to attend in groups who have purchased alcohol.
- c) Propose designating venue as over 18 only unless food is being served.

**Special Policy Consideration**

15. This premises is located within the cumulative impact assessment area which was approved by Council on 21 March 2019. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4. During the representation period the Council published a revised Statement of Licensing Policy and Cumulative Impact Assessment, the revised Policy and Assessment were approved by Council on 24 March 2022. This premises still falls 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 representations stating all four licensing objectives would be compromised if this application were granted. Furthermore the premises is situated within the Cumulative Impact Area and they request this application be refused. Their representation can be found at Annex 5.
19. City of York Council Public Protection (Health and Safety) has made a representation stating the objective of Public Safety will be compromised if this application were granted. Their representation can be found at Annex 6.

### **Summary of Representations made by Other Parties**

20. There have been no relevant representations received from other persons.
21. A map showing the general area around the venue is attached at Annex 7.
22. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

### **Options**

23. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Modify the conditions of the licence
25. 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**

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

### **Council Plan**

29. 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.
30. 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**

31.

- **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**

32. 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.

33. 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**

34. 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**  
22.04.2022

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

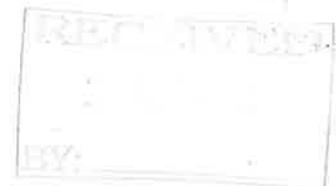
**Wards Affected:**



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

### **Background Papers:**

- Annex 1** - Application form
- Annex 2** - Copy of Current Premises Licence
- Annex 3** - Cumulative Impact
- Annex 4** - Licensing Policy Annex
- Annex 5** - North Yorkshire Police Representation
- Annex 6** - Public Protection (Health & Safety) Representation
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy



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

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure 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 HILT ADVENTURES 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-66940

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordinance survey map reference or description</b> THE HILT <sup>ere</sup> 57B GOODRAMGATE YORK	
<b>Post town</b> YORK	<b>Post code</b> YO1 7LS

Telephone number of premises (if any)

01904 849596

Non domestic rateable value of premises

£ 52,000

**Part 2 – Applicant Details**

Daytime contact telephone number

01904 849596

Email address (optional)

info@hilt.co.uk

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

GOODWIN

First names

JOSHUA

Current postal address if different from premises address

See above

Post Town

see above

Postcode

see above

**Part 3 - Variation**

Please tick ✓ yes

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day	Month	Year

If 5000 or more people attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

INDOOR AXE THROWING ACTIVITIES CENTRE, RESTAURANT/CAFE.

ANNEX 2 - CONDITIONS 9, 11 & 14 TO BE REVISED.

ALCOHOL MUST BE PRE-PURCHASED VIA AXE THROWING BOOKING.

CUSTOMERS NOT PERMITTED TO PURCHASE ALCOHOL DURING AXE THROWING SESSION.

PROPOSED LIMIT OF 2 DRINKS PER CUSTOMER.

CHALLENGE 25 IN PLACE AND ENFORCED.

ALCOHOL AND FOOD SOLD TOGETHER IN AXE THROWING PACKAGES TO PROMOTE RESPONSIBLE CONSUMPTION.

ALCOHOL WILL NOT BE SOLD TO ANY CUSTOMER SUSPECTED OF BEING INTOXICATED

CUSTOMERS SUSPECTED OF BEING INTOXICATED WILL NOT BE PERMITTED TO PARTICIPATE IN AXE THROWING

STAMPS TO BE GIVEN TO EACH CUSTOMER PER DRINK TO TRACK DRINKS SERVED.

ALL OTHER LICENCE CONDITIONS TO REMAIN UNCHANGED.

**Part 4 - Operating Schedule**

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

**Please tick ✓ yes**

**Provision of regulated entertainment**

- a) play (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed			<b>State any seasonal variations for performing play</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a films take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
<b>Mon</b>			State any seasonal variations for indoor sporting events (please read guidance note 4)
<b>Tue</b>			
<b>Wed</b>			
<b>Thur</b>			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
<b>Fri</b>			
<b>Sat</b>			
<b>Sun</b>			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
<b>Mon</b>			Please give further details here (please read guidance note 3)	<b>Both</b>	
<b>Tue</b>					
<b>Wed</b>					
<b>Thur</b>			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed					
Thur			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Fri					
Sat			<b>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.</b> (Please read guidance note 5)		
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>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.</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performance of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	<b>Indoors</b>	
				<b>Outdoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Both</b>	
<b>Mon</b>			<b>Please give further details here</b> (please read guidance note 3)		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
<b>Thur</b>					
<b>Fri</b>			<b>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.</b> (please read guidance note 5)		
<b>Sat</b>					
<b>Sun</b>					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
			<b>Will the entertainment take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	<b>Indoors</b>	
				<b>Outdoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Both</b>	
<b>Mon</b>			<b>Please give further details here</b> (please read guidance note 3)		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
<b>Thur</b>					
<b>Fri</b>			<b>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.</b> (please read guidance note 5)		
<b>Sat</b>					
<b>Sun</b>					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list.</b> (please read guidance note 5)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption on or off the premises or both</b> – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	Both	
Tue					
Wed					
Thur			<b>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.</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list.</b> (please read guidance note 5)
<b>Mon</b>			
<b>Tue</b>			
<b>Wed</b>			
<b>Thur</b>			
<b>Fri</b>			
<b>Sat</b>			
<b>Sun</b>			

**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, e) (please read guidance note 9)**

ALL ALCOHOL PRE-PURCHASED VIA BOOKING, NO ALCOHOL SOLD TO AXE THROWERS ON SITE.  
STRICT ENFORCEMENT OF 2 DRINK LIMIT. NO SPIRITS.  
ALL COACHES TRAINED TO OVERSEE SESSIONS. ONE DEDICATED COACH PER GROUP.  
MAXIMUM GROUP SIZE OF 12.  
AXES ARE LIGHT AND NOT KEPT SHARP. TARGETS AND BAYS DESIGNED TO ELIMINATE BOUNCING.  
SEE ADENDUM DOCUMENTS, ALCOHOL CONSUMPTION IS SAFEST WHEN CONTROLLED BY ORGANISER.  
CLEARLY COMMUNICATED TERMS AND CONDITIONS SEND DIGITALLY AT TIME OF BOOKING, AGAIN AT CHECK IN THEN ONCE AGAIN DURING THE SAFETY BRIEFING AT THE START OF THE SESSION.

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

AXES ARE LOCKED AWAY IN STAFF ROOM WHEN NOT IN USE.  
2 ALCOHOLIC DRINKS PER CUSTOMER.  
CONTROLLED SESSION TIMES, MAXIMUM DURATION OF 75 MINUTES.  
ACCESS TO AXE THROWING BAYS CONTROLLED BY MANAGER. NO PUBLIC ACCESS TO AXE THROWING AREA WHEN SESSIONS ARE NOT TAKING PLACE.

**c) Public safety**

REGULARLY REVIEWED AND UPDATED SAFETY STANDARDS AND POLICIES.  
AXES NEVER REMOVED FROM BAYS DURING SESSIONS. CONTROLLED BY DEDICATED AXE COACH AT ALL TIMES.  
BAYS ARE SEPARATED BY A BARRIER AND CORRIDOR FROM THE RESTAURANT AND BAR AREA.

**d) The prevention of public nuisance**

ALL STAFF ARE TRAINED TO MONITOR ALCOHOL CONSUMPTION AND ENFORCE HEALTH AND SAFETY POLICY.  
NO AXE THROWING SESSIONS TO RUN PAST 8:15PM.

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

NO ALCOHOL PERMITTED IN IN GROUPS WHERE ALCOHOL HAS BEEN PURCHASED.  
SIMILARLY, NO PERSONS UNDER 18 PERMITTED TO ATTEND IN GROUPS WHO HAVE PURCHASED ALCOHOL.  
PROPOSE DESIGNATING VENUE AS OVER 18 ONLY UNLESS FOOD IS BEING SERVED.

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

ANNEX 2 - CONDITIONS 9, 11 AND 14.

Please tick ✓ yes

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 failed to enclose the premises licence or relevant part of the premises licence

Type text here

Checklist

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- 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

See details of Licensing Act 2003 fees: <https://www.york.gov.uk/LicensingAct2003StatutoryFees>.

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.

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

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent.** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date 03/10/22 .....

Capacity Director/Owner .....

Type text here

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **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 13)

HILT ADVENTURES LTD.  
57B GOODRAMGATE

**Post town**  
YORK

**Post code**  
YO1 7LS

**Telephone number (if any)**  
01904 849596

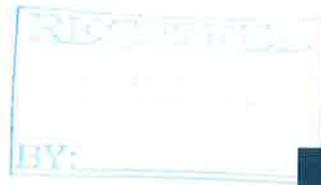
**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**



### 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. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.
8. 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, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



**Hilt Adventures Ltd.**  
**Alcohol Licence Variation Application**



Enclosed is an application to vary our premises licence, allowing alcohol to be served to customers participating in axe throwing sessions. We want to do this for the same reason we change any element of our operation; to enhance the customer experience.

The Hilt is one of York's premier attractions, but axe throwing venues are becoming more and more common, and some of our competitors have recently managed to obtain a crucial edge over us. Potential customers can go to our competitors to throw axes, and they can have a drink while they do it. We are very keen not to be left behind in this increasingly competitive space, and we have carefully considered how this change might be implemented in the safest and most responsible way possible.

As you'll see in the application, we will be in full control of alcohol service and consumption at all times:

- Alcohol can only be served to axe throwers if it has been purchased as part of the booking, via our website. This ensures we always know who is going to be drinking and when. This also discourages customers from drinking heavily before their session as they know they'll be served a drink while here.
- There will be a 1 or 2 drink limit depending on how many drinks have been purchased with the booking. This way axe throwers will not be able to consume enough to reach any dangerous level of intoxication in the 75 minutes of their session.
- We propose using a stamp system so axe coaches, bar staff and management are at all times aware of how much each customer has already been served, and we can ensure no one is served more than we deem to be safe.
- Any group purchasing alcohol must be made up of exclusively of over 18's, ensuring the safety of any minors participating in activities.
- All staff will be fully trained and well informed on all aspects of alcohol service, premises licence conditions and the law surrounding the safe service of alcohol. (please see the enclosed server of alcohol training record)

The Hilt has a perfect record for safety, operating since September 2019 without a single accident. When designing the venue, safety was the primary consideration at every stage of development. The layout of the bays, from the mulch we use to the drapes over each target, is designed specifically to eliminate the risk of axes bouncing.

The targets are designed to be easy to land axes into. They are kept wet so they are soft; the axes sink easily and the chance of ricochet is as low as it can possibly be. Additionally, due to the unique design of our targets and the throwing technique we teach, our axes do not need to be kept sharp. Combined with the trained, experienced axe coach supervising each bay at all times, it is actually very difficult for customers to find ways to hurt themselves or one another.

If a representative from your organisation would like to visit The Hilt to meet us and inspect the operation, please get in touch with me at [info@hiltadventures.co.uk](mailto:info@hiltadventures.co.uk) or on 01904 900000

## Risk assessment – Hilt Adventures Ltd T/A The Hilt

**Company name:** Hilt Adventures Ltd T/A The Hilt      **Assessment carried out by:** Richard Thubron

**Date of next review:** 01/09/22      **Date assessment was carried out:** 01/03/22

This is the statement of general policy and arrangements for:		Hilt Adventures Ltd	Has overall and final responsibility for health and safety
(Name of Employer/Senior manager):	Richard Thubron		
(Member of staff):	All staff members employed by Hilt Adventures Ltd		Has day-to-day responsibility for ensuring this policy is put into practice
Statement of general policy		Responsibility of: Name/Title	Action/Arrangements (What are you going to do?)
Prevent accidents and cases of work-related ill health (physical and mental) by managing the health and safety risks in the workplace		Manager/ Richard Thubron	
Provide clear instructions and information, and adequate training, to ensure employees are competent to do their work		Manager/ Richard Thubron	

Engage and consult with employees on day-to-day health and safety conditions	Manager/ Richard Thubron	
Maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances	Manager/Richard Thubron	

## General Operations

What are the hazards?	Who might be harmed and how?	What are you already doing to control the risks?	What further action do you need to take to control the risks?	Who needs to carry out the action?	When is the action needed by?
<b>Slips and trips</b>	Customers, Staff	General tidiness, keeping walkways clear, regular sweeping of areas where sawdust may accumulate. Suitable cleaning materials available. Good lighting in all areas including cold storage areas. No trailing cables or obstruction in walkways. Wet floor signs in use during rainy weather and after mopping.	Ongoing checks	All staff	ongoing

<p><b>Axes being thrown inappropriately</b></p>	<p>Customers, staff</p>	<p>Customers are supervised by a trained and competent axe coach at all times. Staff fully trained before handling axes/overseeing customers. Safe throwing practice handbook provided to all coaches. Alcohol served only to customers who have pre-purchased it as part of an axe throwing booking. Axes stored safely and securely away when not in use. Safety Briefing given at the start of each session. Waiver signed by each participant, which covers health and safety policy. Minimum age for participation is 13 years. 1 instructor and 2 customers per bay at any one time. All participants must sign The Hit liability release waiver prior to throwing. Spectators must remain safely outside of the bay unless it is their turn to throw.</p>	<p>Ongoing</p> <p>All staff</p> <p>ongoing</p>
<p><b>Risk of bounces with shallow blue</b></p>	<p>Customers staff</p>	<p>Blue is checked between sessions and raked back to an appropriate level if needed</p>	<p>Checks to see when blue needs replacing.</p> <p>Coach on shift</p> <p>Between sessions</p>
<p><b>Splinters from axe handles</b></p>	<p>Customers, staff</p>	<p>Axes are checked between sessions for splinters, breaks, general wear, and tear, rotated out as necessary. Axes sanded down as necessary. Only tested and approved axes to be purchased/thrown.</p>	<p>Handles replaced as needed</p> <p>Manager/Team Leader</p> <p>Ongoing</p>
<p><b>Drills, saws, construction materials</b></p>	<p>Staff</p>	<p>Appropriate PPE (gloves, glasses, respirator, earplugs etc) to be used whenever tools being used, tools only to be used by trained personnel</p>	<p>Ongoing checks to ensure PPE being used and tools being used properly</p> <p>Manager</p> <p>Ongoing</p>
<p><b>Alcohol/Drugs</b></p>		<p>Alcohol consumption is tightly controlled by staff. Alcohol can only be consumed during a session if it has been pre-paid for as part of a booking. Limit of 2 alcoholic drinks per customer. Stamps used to track number of drinks each customer has had. Groups consuming alcohol must be made up exclusively of over 18s. No alcohol to be served if under 18s present in that group. No participant permitted to throw if they are suspected of being intoxicated.</p>	<p>Staff training refreshed annually.</p> <p>All staff</p> <p>Ongoing</p>

<b>Splinters</b>	Staff	No participant permitted to throw if they are suspected of being under the influence of drugs. Appropriate PPE to be used when moving used targets, teams of 2 to mount and demount targets	None, staff are trained on how to do this	All staff	Ongoing
<b>Cuts/scrapes from axes</b>	Customers, staff	Axes are checked for nicks creating unusual sharp points and ground as necessary. Proper throwing technique to be practised and enforced at all times. Long hair tied back, rings on throwing hand removed, sensible, closed toed footwear worn, hoodies removed. Safety information sent out when the session is booked. Bays are separated by chain barriers to prevent axes crossing into the next lane.	Nicks are ground/sanded down as needed	Manager/All Staff	Ongoing
<b>Throwing injuries</b>	customers/s staff	Safety flaps hung above targets to reduce bounce risk. Blue mulch lining bay floors to prevent bouncing. Instructors control when participants may throw and collect axes. Customers asked not to throw axes with their full strength unless permitted to do so by their instructor. Failure to comply will result in ejection from the session.	Safety briefing by staff at the beginning of the session is updated regularly.	All staff	Ongoing
<b>Injury retrieving axes</b>	Customers	Customers shown the correct way of retrieving an axe from a target so as to avoid pulling it towards the face. Customers are permitted to retrieve axes only when it is safe to do so. Points deducted in the tournament for unsafe retrieval to discourage bad practice. Repeated offences result in ejection or premature end to the session.	Ensure this is covered in every briefing	All staff	Ongoing
<b>Lone Working</b>	Managers	Front door to be kept locked in lone working situations	None	Manager	Ongoing



Annex 2

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

Premises licence number CYC - 66940
--

Postal address of premises:

**The Hilt  
Unit 2  
57 Goodramgate**

Post town: **York**Post code: **YO1 7LS**

Telephone number: 01904 849596

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

Supply of Alcohol

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

## SUPPLY OF ALCOHOL

Monday  
09:00 - 22:30

Tuesday  
09:00 - 22:30

Wednesday  
09:00 - 22:30

Thursday  
09:00 - 22:30

Friday  
09:00 - 22:30

Saturday  
09:00 - 22:30

Sunday  
09:00 - 22:30

**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: Hilt Adventures Ltd  
Address: 20 Bootham Terrace  
York  
YO30 7DH  
Telephone number: [REDACTED]  
Email address: [REDACTED]

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

11925760

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

Name: Jacob John Mayled  
Address: [REDACTED]  
Telephone number: None

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

City of York Council  
CYC-069799

**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. 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.

2. 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.

3. 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
4. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
5. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).
6. No open drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.
7. The outside area will be regularly cleared and kept tidy.
8. 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.
9. The applicant must conduct a full risk assessment in respect of the axe throwing with a zero tolerance policy for consumption of alcohol prior to throwing. Customers must be made aware of this policy and a documented copy must be kept. This document must be kept for a minimum of 12 months and must be made available upon reasonable request from the Police or Responsible authority.
10. Clear notices must be displayed in the premises explaining, in brief, the alcohol policy.
11. No customer who is identified as intending to take part in axe throwing shall be served any alcohol prior to throwing. They may be served alcohol following their throwing session only.
12. All customers must be supervised at all times when taking part in axe throwing.
13. Any axes on the premises which are not being used for the sporting activities must be secured in a location which is not readily accessible to the public.
14. No alcohol is permitted in the 'throwing area' only in the restaurant/bar area as shown on the plans.

15. The venue shall operate predominantly as an *Axe Throwing Activities Centre* and restaurant/café not a vertical drinking establishment. Alcohol shall be ancillary to this.

16. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday.

17. All alcohol for off premises sales shall be only in sealed containers.

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

No hearing held

### **Annex 4 – Approved Plan**

Plan Number:                      Signed and Dated September 2020

For and on behalf of  
The Corporate Director of Place

Date: 8 October 2020  
25/02/2022 (DPS Variation)

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

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

## PREMISES LICENCE SUMMARY

### Part B

#### Part 1 Premises details

Premises licence number  
CYC - 66940

Postal address of premises:

**The Hilt  
Unit 2  
57 Goodramgate**

Post town: **York**

Post code: **YO1 7LS**

Telephone number: 01904 849596

#### Where the licence is time limited the date:

This licence has no expiry date.

#### Licensable activities authorised by the licence:

Supply of Alcohol

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

##### SUPPLY OF ALCOHOL

Monday 09:00 - 22:30	Tuesday 09:00 - 22:30	Wednesday 09:00 - 22:30	Thursday 09:00 - 22:30
Friday 09:00 - 22:30	Saturday 09:00 - 22:30	Sunday 09:00 - 22:30	

**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: Hilt Adventures Ltd  
Address: 20 Bootham Terrace  
York  
YO30 7DH

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

11925760

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

Jacob John Mayled

**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: 8 October 2020  
25/02/2022 (DPS Variation)

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

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



**Cumulative Impact**

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

**Cumulative Impact Assessment**

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

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

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

### **Cumulative Impact Area**

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

## 9. Cumulative Impact

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

### Cumulative Impact Assessment

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

determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

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

### **Cumulative Impact Area**

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



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

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

<b>Postal Address of premises or club premises:</b> The Hilt 57B Goodramgate	
<b>Post town:</b> York	<b>Post code (if known):</b> YO1 7LS

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

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

### GROUNDINGS FOR RELEVANT REPRESENTATION

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

This application relates to a Full Variation for Hilt Adventures Ltd 57B Goodramgate in York's Cumulative Impact Area.

The application seeks to revise the conditions on the existing licence, thereby removing the conditions for prohibiting alcohol from being served to customers before they take part in any axe throwing activity and allowing alcohol in the axe throwing areas.

The premises sits within York's CIA (Cumulative impact assessment area) an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came in to effect on 21st March 2019 and runs until 2024 and which states:-

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

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

Furthermore the CIA policy states:

“An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.”

The Premises first obtained a Premises Licence in October 2020 and North Yorkshire Police liaised with the applicant in respect of proportionate and tailored conditions to ensure the Promotion of the four Licensing objectives:-

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

Specific conditions were agreed as per Annex 2 on the Premises Licence which North Yorkshire Police deemed at the time was in line with the Section 182 Statutory Guidance Para 8.43,

“Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application: any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy”.

demonstrating that their application was an exception to the policy as their primary focus was to operate as an Axe Throwing Venue, with alcohol being ancillary.

The Premises has limited areas only for alcohol and a zero-tolerance approach to alcohol on the premises for participants in any activity thereby promoting the Licensing objectives.

This application seeks to revise the following conditions:-

9) “The applicant must conduct a full risk assessment in respect of the Axe throwing with a zero-tolerance policy for consumption of alcohol prior to throwing. Customers must be made aware of this policy and a documented copy must be kept. This document must be kept for a minimum of 12 months and must be made available upon reasonable request from the Police or Responsible Authority.”

11) “No Customer who is identified as intending to take part in axe throwing shall be served any alcohol prior to throwing. They may be served alcohol following their throwing session only.”

14) “No alcohol is permitted in the “throwing area” only in the restaurant/bar area as shown on the plans.”

The applicant has provided the following information as an alternative if the above conditions are revised.

“There will be a 1 or 2 drink limit depending on how many drinks have been purchased with the booking. This way axe throwers will not be able to consume enough to reach any dangerous level of intoxication in the 75 minutes of their session.”

This is a very bold statement to make. What is the applicant classing as a “dangerous level”?

If persons have consumed any alcohol prior to attending the Premises which the venue has no control over or way of knowing, but then propose allowing further alcohol before and during the Axe throwing this could have an adverse effect on an individual thereby increasing the risk of an incident taking place involving an Axe which is a weapon whether sharp or blunt.

By removing condition 11 the premises is increasing the risk of intoxication levels prior to participating in the Axe Throwing activity again undermining the Licensing objective of Public Safety.

Allowing alcohol in the Axe Throwing Bays removing condition 14 does not mitigate risks of Prevention of Crime and Disorder or Public Safety and the applicant has not provided any evidence to address this aspect within the application.

The application states "All staff will be trained and well informed on all aspects of alcohol service, premises licence conditions, and the law surrounding the safe service of alcohol. ( Please see the enclosed server of alcohol training record). " There is no enclosed alcohol training record with the application.

Section M of the application part a) states

"STRICT ENFORCEMENT OF 2 DRINK LIMIT,NO SPIRITS. ALL COACHES TRAINED TO OVERSEEE SESSIONS. ONCE DEDICATED COACH PER GROUP. MAXIUM GROUP SIZE 12".

As such if there is twelve persons in one area that is 12 drinks (potentially 24 if they can obtain the maximum two drinks at the same time) and one coach to oversee the group. How is it feasible for one person to be assisting customers/demonstrating axe throwing and overseeing the consumption of alcohol?

The application is inconsistent regarding the aspect of under 18's attending the venue.

The Risk assessment provided under Alcohol/Drugs states the following:-

" Groups consuming alcohol must be made up exclusively of over 18's". It also sates "No alcohol to be served if under 18s present in that group".

Section M para e)" No persons under 18 permitted to attend in Groups who have purchased alcohol. Propose designating venue as over 18 only unless food being served".

However the additional information "Any group purchasing alcohol must be made up of exclusively of over 18's ensuring the safety of any minors participating in activities".

This undermines the Protection of Children from Harm Licensing objective as if alcohol is being served to a group made up of mostly over 18's but does contain minors and as referred to above there is only one coach monitoring who is consuming alcohol how can they ensure that a minor will not access alcohol?

The application states "No participant permitted to throw if they are suspected of being intoxicated". Is this before or during the Axe throwing if they are allowed to consume more alcohol? Also what experience and qualifications does the member of staff Richard Thurbon who has completed the risk assessment have in respect of Health and Safety Regulations. What criteria are staff using to determine if someone is intoxicated?

On Wednesday 6th April 2022 at 1500hrs I had a Teams Video Call with the Premise Licence Holder Mr Joshua Goodwin, as he resides outside the UK, so we were unable to meet in person.

I discussed my concerns in respect of the application particularly allowing customers to be served alcohol during Axe Throwing Sessions. I asked about the reference in the application information to "our competitors have recently managed to obtain a crucial edge over us".

I explained that as the Force Licensing Manager for North Yorkshire Police, which is the biggest county in England I can confirm that there are only two Axe Throwing venues that have a Premise Licence to sell alcohol, The Hilt, and an additional Premises in Craven District both have the same Conditions, so his venue was not being disadvantaged by another competitor in the locality having different conditions.

I further expressed my concern in respect of The Hilt Variation application to allow alcohol during axe throwing sessions. The Axe Throwing sessions are 75 minutes and the venue is presently able to offer alcohol to customers following their session. By allowing alcohol before and during the Activity sessions could increase the risk of harm to staff, and other customers.

I asked Mr Goodwin if he had considered York's Statement of Licensing Policy and in particular the Cumulative Impact Area where his premises is located. He did not appear to be familiar with this. I explained that considering the policy, I did not see this application as an exception to the policy nor had he provided sufficient information within the application to mitigate concerns or promote the four licensing objectives. Based on this I advised North Yorkshire Police would make a representation to the Licensing Authority objecting to the application.

In conclusion, the application is littered with inconsistencies regarding if the Venue is to operate as a 'Over 18' venue only.

It does not provide any substantial information how risks would be managed if conditions 9, 11 and 14 were revised. It lacks detail on how it would ensure the promotion of the Licensing Objectives in an area that is already experiencing high levels of disorder.

The applicant has failed to consider York's statement of Licensing Policy.

North Yorkshire Police cannot support this application in the Cumulative Impact Area, for the reasons highlighted and respectfully ask members to refuse the application.

Signature: J Booth

Date: 08/04/22

Contact name: PS 133 Jackie Booth

Address for correspondence: **Alcohol Licensing Department Fulford Road Police Station**

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## The Hilt Premises Licence Variation

Dear Sir/Madam

I write with reference to the application to vary the licence at The Hilt, Goodramgate, York. I believe the 'public safety' licensing objective would be undermined if this application was granted. In my opinion consuming alcohol whilst throwing axes is a risk to the public. I believe that conditions 9, 11 and 14 in relation to the provision of alcohol etc should remain on the licence.

Kind Regards

Kerry

Kerry Bell | Environmental Health Officer  
t: 07936366005 | e: [kerry.bell@york.gov.uk](mailto:kerry.bell@york.gov.uk)

**City of York Council** | Public Protection  
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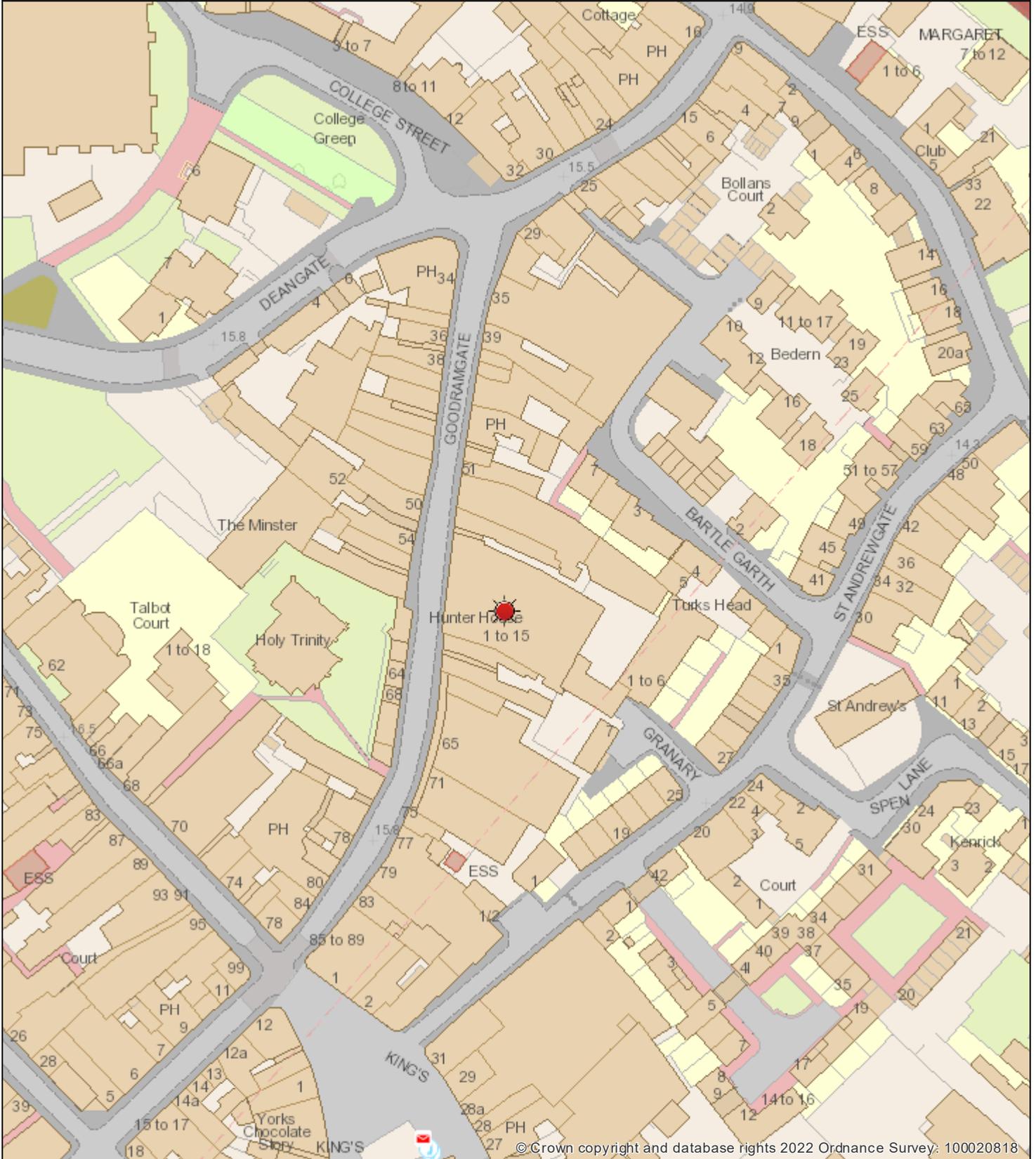
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### Coronavirus update

There are a number of changes in the way the Public Protection are working during the current Coronavirus crisis. The vast majority of our officers are now working remotely away from the office. We ask that you assist in this process and communicate with us by email, and not by telephoning or posting items to the office address. If your enquiry is urgent please start the subject of your email with the word 'urgent' and where possible tick the urgent marker in options. Thank you

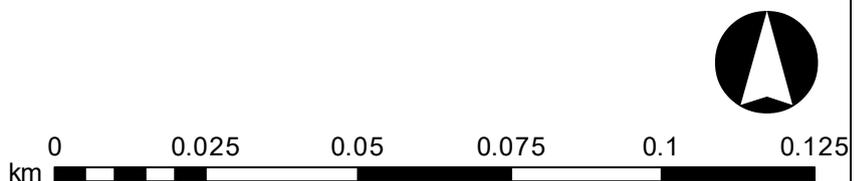
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# Annex 7



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**Date:** 20 Apr 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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