

Licensing/Gambling Hearing

To: Councillors Galvin, Hook and Melly

Date: Monday, 23 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 the minutes of the Licensing Hearing held on 11 April 2022.

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

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - 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.



Licensing Act 2003 Sub Committee

23 May 2022

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Clifton Bridge Hotel, 23 Water End, Clifton, York, YO30 6LL

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC - 070384
3. Name of applicant: Clifton Bridge Hotel Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a Clifton Bridge Hotel:

Proposed Activity	Timings
Supply of Alcohol – on the premises	Mon – Sun 12:00 – 23:00
Opening hours	Mon – Sun 12:00 – 23:00

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises and the operating schedule.
7. The premises is described in the application as a hotel with 14 bedrooms, a restaurant seating up to 43 people serving mainly residents, with pre-booked meals from members of the public. A food led premises where all alcohol will be served with meals only. No bar service and an outside area for up to 20 people.

8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.
9. This premises was previously licensed. The licence was suspended in 2012 due to non-payment of the required annual fee. The licence lapsed in 2018 following receipt of information that the licence holder had died. An application for a new premises licence was made by the current owners in October 2021 and was subsequently withdrawn.

Promotion of Licensing Objectives

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

11. General

- a. To follow any legislation passed regarding the sale of alcohol.
- b. To follow any guidelines set by York City Council.
- c. The premises shall be food led and all alcohol shall be served with a meal.
- d. All staff will receive training regarding the conditions imposed by the licence.
- e. 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.
 - Staff training records will be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

12. The Prevention of Crime and Disorder

- a. Door staff - It will be the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration will be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.
- b. A zero tolerance policy on drugs will be implemented.

- c. Designated Premises Supervisor (DPS) or Premises licence Holder (PLH) will be contactable in an emergency.
- d. If the DPS/PLH is not on site then there will be a supervisor nominated in their absence.
- e. A Supervisor's Register will be maintained at the licensed premises and will be available for inspection upon request.
- f. The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises.
- g. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.
- h. An incident book will be kept which will detail recorded of all instances of public disorder.
- i. CCTV - 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 as well as the exit/entrance.
 - The CCTV system will cover the main entrance/s and exit/s and designated emergency access routes from the premises.
 - The CCTV will be maintained, working and recording at all times when the premises are open.
 - The CCTV system will be of a satisfactory resolution quality and will contain the correct time and date stamp information.
 - The recordings will 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 31 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.
 - 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.
 - The CCTV will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.
- j. Ongoing risk assessments will be made and use of radios will be reviewed if necessary.

- k. No customer will be permitted to take open containers of alcohol or glass from the premises onto the street.
- l. Every effort will be made for all bottles and glasses to be removed from the public areas as soon as they are finished with.
- m. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
- n. A proof of age policy to the satisfaction of the Police and City of York Council will be in place, for those purchasing alcohol.
 - The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
 - 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).
- o. Non-alcoholic drinks will be readily available at all times.
- p. All-inclusive nights or other inappropriate/volume drinking promotions that promote excessive drinking philosophy will not be permitted.
- q. Clear and legible notices will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

13. Public Safety

- a. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
- b. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
- c. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
- d. Regular safety checks of all fixtures and fittings will be made and records of these checks will be kept.
- e. Empty bottles and glasses will be collected regularly, paying particular attention to outdoor areas.
- f. No strobes, lasers or smoke machines will be used on the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.
- g. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.

- h. Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.
- i. The premises will have an up to date Fire Risk Assessment at all times.
- j. A Fire Risk Assessment was completed on the 9th February 2022 and all recommendations raised were implemented.

14. The Prevention of Public Nuisance

- a. The outside area shall not be used by customers for food and drink after 2100hrs daily.
- b. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
- c. Clear and legible notices will be displayed at exits requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting and anti-social behaviour.
- d. Internal speakers will be operated by staff only and the controls will not be accessible by the public.
- e. No external speakers shall be used.
- f. Bottles will not be placed in any outdoor receptacles between the hours of 23:00 and 07:00 so as to minimise noise disturbance to neighbouring properties.
- g. The PLH/DPS will ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

15. The Protection of Children from Harm

- a. Children under the age of 18 will be permitted into the restaurant if they are accompanied by an Adult.
- b. A proof of age policy to the satisfaction of the Police and City of York Council will be in place, for those purchasing alcohol.
- c. Appropriate background checks on all potential staff will be carried out before offering them employment. The Licensee will report any child related concerns to the police he/she has about potential staff, existing staff and customers.
- d. The PLH/DPS will comply with the written guidance for protecting children from harm issued by City of York Council, Department of Social Services.

Special Policy Consideration

- 16. This premises is not located within the cumulative impact area.

Consultation

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

Summary of Representations made by Responsible Authorities

19. There have been no representations received from the Responsible Authorities.

Summary of Representations made by Other Parties

20. There have been 11 relevant representations received from other persons. The list of representors is attached at Annex 3.
21. The representations are predominantly based on the grounds of the prevention of crime and disorder, and prevention of public nuisance objectives. They state that this objectives will be undermined if the application is granted.
22. A copy of all the representations are attached at Annex 4.
23. A map showing the general area around the venue is attached at Annex 5.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 6. The Legislation and Policy considerations can be found at Annex 7.

Options

25. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
26. Option 1: Grant the licence in the terms applied for.

27. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
28. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
29. Option 4: Refuse to specify a person on the licence as premises supervisor.
30. Option 5: Reject the application.

Analysis

31. The following could be the result of any decision made this Sub Committee:-
32. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
33. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
35. Option 4: This decision could be appealed at Magistrates Court by the applicant.
36. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

37. 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.
38. 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

39.

- **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

40. 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.
41. 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

42. 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
19.4.22

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

Wards Affected: Clifton Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form, plans & operating schedule
- Annex 2** - Overview of circumstances in which entertainment activities are not licensable
- Annex 3** - List of other persons (CONFIDENTIAL)
- Annex 4** - Other persons representations
- Annex 5** - Map
- Annex 6** - Mandatory conditions
- Annex 7** - Legislation and policy considerations

This page is intentionally left blank



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We CLIFTON BRIDGE HOTEL LTD

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
CLIFTON BRIDGE HOTEL 23 WATER END CLIFTON			
Post town	YORK	Postcode	YO30 6LL
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 28,250	

Part 2 - Applicant details

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	CLIFTON BRIDGE HOTEL LTD
Address	
Registered number (where applicable)	

Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
14	04	2022

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

DD	MM	YYYY

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

WELL ESTABLISHED HOTEL WITH 14 ROOMS
RESTAURANT SEATING UP TO 43 PEOPLE, SERVING
MAINLY RESIDENTS WITH PRE BOOKED MEALS
FROM MEMBERS OF PUBLIC.
FOOD LED - ALL ALCOHOL WILL BE SERVED
WITH MEALS ONLY. NO BAR SERVICE.
OUTSIDE AREA FOR UP TO 20 PEOPLE WITH
~~BAR~~

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name	DANIEL FERRAIOLI
Date of birth	
Address	
Postcode	
Personal licence number (if known)	CYC - 069395
Issuing licensing authority (if known)	YORK CITY COUNCIL

K

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

NOT APPLICABLE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	23:00	
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	

M

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

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

SEE ATTACHED OPERATING SCHEDULE

b) The prevention of crime and disorder

AS ABOVE

c) Public safety

AS ABOVE

d) The prevention of public nuisance

AS ABOVE

e) The protection of children from harm

AS ABOVE

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	8/3/22
Capacity	LUPTON FAWCETT SOLICITORS

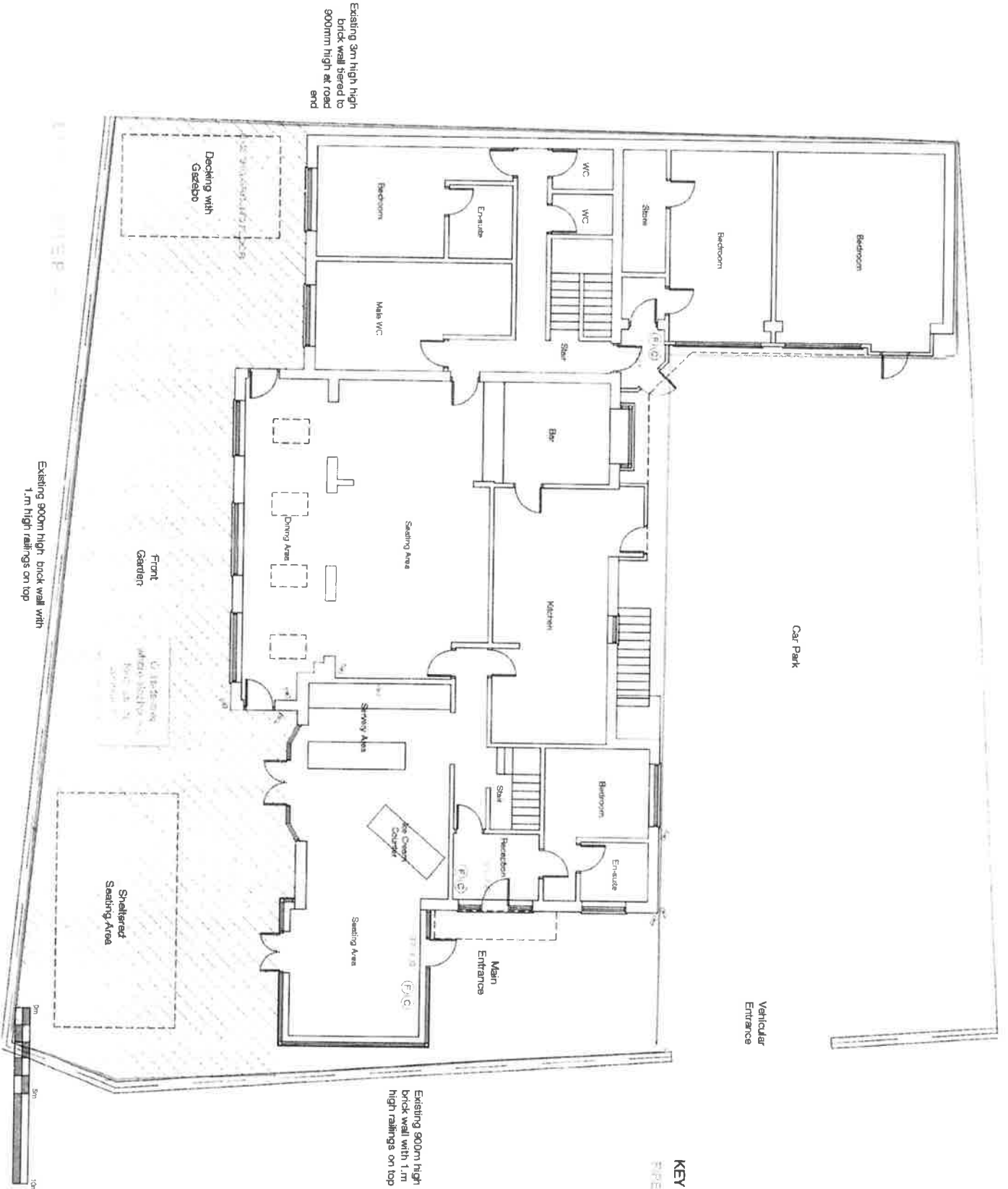
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and

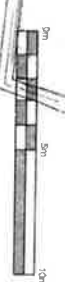


The information contained in this document is confidential and is intended for the use of the client only. It is not to be distributed or used for any other purpose without the prior written consent of the architect. The architect accepts no liability for any errors or omissions in this document. The information contained in this document is for general information only and does not constitute an offer of any financial product or service. The information contained in this document is for general information only and does not constitute an offer of any financial product or service.

- KEY**
- PIPE EXIT
 - (F) Fire Exit Point
 - (F) Foam Extinguisher
 - (C) CO2 Extinguisher
 - (*) CCTV Camera

Existing 900mm high brick wall with 1.1m high railings on top

Existing 900mm high brick wall with 1.1m high railings on top



Planning Insurance Construction
 Architectural Services
 Structural Services
 MEP Services
 Landscape Services
 Project Management
 Quantity Surveying
 Building Services
 Environmental Services
 Other Services

Proposed Development at Clifton
 Bridge Court House, 25 Water End,
 N/A, OS9 0LL
 Proposed Ground Floor Plans
 Date: 1:10 9 A1
 DWT 2021
 Sheet No: CS08/10

Clifton Bridge Hotel Ltd- Operating Schedule

A) General

To follow any legislation passed regarding the sale of alcohol.

To follow any guidelines set by York City Council.

The premises shall be food led and all alcohol shall be served with a meal.

Staff training

All staff will receive training regarding the conditions imposed by the licence.

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.

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

B) The prevention of crime and disorder

Door staff

It will be the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration will be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.

Drugs

A zero tolerance policy on drugs will be implemented.

Designated Premises Supervisor

The DPS/PLH will be contactable in an emergency.

If the DPS/PLH is not on site then there will be a supervisor nominated in their absence.

A Supervisor's Register will be maintained at the licensed premises and will be available for inspection upon request.

The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.

Incidents

As above, an incident book will be kept which will detail recorded of all instances of public disorder.

CCTV

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 as well as the exit/entrance.

The CCTV system will cover the main entrance/s and exit/s and designated emergency access routes from the premises.

The CCTV will be maintained, working and recording at all times when the premises are open.

The CCTV system will be of a satisfactory resolution quality and will contain the correct time and date stamp information.

The recordings will 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 31 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.

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.

The CCTV will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.

Radio

Ongoing risk assessments will be made and use of radio's will be reviewed if necessary.

Bottles and glasses

No customer will be permitted to take open containers of alcohol or glass from the premises onto the street.

Every effort will be made for all bottles and glasses to be removed from the public areas as soon as they are finished with.

The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

Proof of age

A proof of age policy to the satisfaction of the Police and York City Council will be in place, for those purchasing alcohol.

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

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).

Drinks promotions

Non alcoholic drinks will be readily available at all times.

All-inclusive nights or other inappropriate/volume drinking promotions that promote excessive drinking philosophy will not be permitted.

Notices

Clear and legible notices will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

C) Public safety

General

A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.

Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.

Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.

Regular safety checks of all fixtures and fittings will be made and records of these checks will be kept.

Empty bottles and glasses will be collected regularly, paying particular attention to outdoor areas.

No strobes, lasers or smoke machines will be used on the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

First Aid

A suitably trained First Aider or appointed person will be provided at all times when the premises are open.

Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.

Fire Safety

The premises will have an up to date Fire Risk Assessment at all times.

A Fire Risk Assessment was completed on the 9th February 2022 and all recommendations raised were implemented.

D) The prevention of public nuisance

Noise

The outside area shall not be used by customers for food and drink after 2100hrs daily.

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

Clear and legible notices will be displayed at exits requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting and anti-social behaviour.

Internal speakers will be operated by staff only and the controls will not be accessible by the public.

No external speakers shall be used.

Bottles will not be placed in any outdoor receptacles between the hours of 23:00 and 07:00 so as to minimise noise disturbance to neighbouring properties.

Litter

The PLH/DPS will ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

E) The protection of children from harm

Admission

Children under the age of U18 will be permitted into the restaurant if they are accompanied by an Adult.

A proof of age policy to the satisfaction of the Police and York City Council will be in place, for those purchasing alcohol.

Working with children

Appropriate background checks on all potential staff will be carried out before offering them employment. The Licensee will report any child related concerns to the police he/she has about potential staff, existing staff and customers.

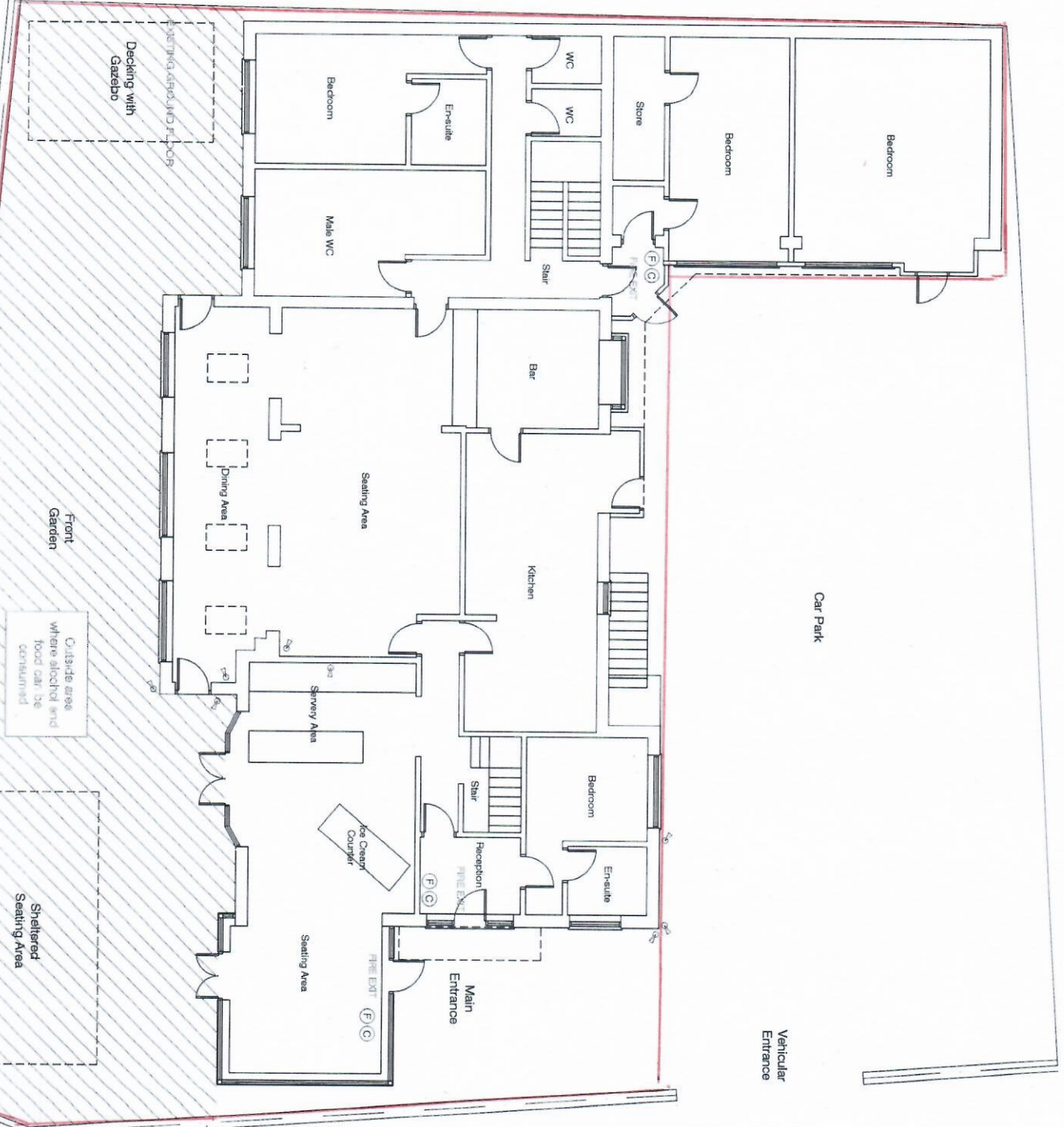
The PLH/DPS will comply with the written guidance for protecting children from harm issued by York City Council, Department of Social Services.

This page is intentionally left blank

Existing 3m high high brick wall tiered to 900mm high at road end

EXISTING SITE PLAN

Existing 900m high brick wall with 1.1m high railings on top



Car Park

Vehicular Entrance

Existing 900m high brick wall with 1.1m high railings on top

KEY

- (F) Fire Exit Point
- (F) Foam Extinguisher
- (C) CO2 Extinguisher
- (CCTV) CCTV Camera

Notes
 All drawings are for information only. No part of this drawing should be used for any purpose other than that for which it is intended. The user of this drawing is responsible for ensuring that it is used in accordance with the relevant building regulations and other applicable laws. The user of this drawing is also responsible for ensuring that it is used in accordance with the relevant building regulations and other applicable laws. The user of this drawing is also responsible for ensuring that it is used in accordance with the relevant building regulations and other applicable laws.

ASYS
 Architectural Services York
 31 Beckett Lane
 YO26 5PN
 01904 238333
 www.architecturalservicesyork.co.uk
 Proposed Development at Clifton
 Bridge Guest House, 23 Water End,
 York, YO30 6LL.
 Drawing No. CB341K10
 Date: 1.10.21
 Scale: OCT 2021

This page is intentionally left blank

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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

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

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

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

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

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

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

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

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

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

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



From: [REDACTED]
Sent: 21 March 2022 13:56
To: licensing@york.gov.uk
Subject: Clifton Bridge Hotel 23 Water End, Clifton

Categories:

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

To whom it may concern,

I am writing to object to the application for a license for Clifton Bridge Hotel. My concerns are many but I am particularly concerned that this establishment has already been the scene of public disorder without a license. If a license is granted I am concerned that there would be further, and possibly increased, disorder.

In addition, Westminster Road and Water End are residential streets where there are many young families with children and elderly residents. Many of the residents and visitors to Homestead Park would need to walk past the premises and the driveway which is very close to a busy junction. In short, I feel the position of the premises is dangerously situated.

The risk of noise and disturbance on a quiet residential street would be an issue if the license for alcohol is granted.
Yours faithfully,

Westminster Road

From:
Sent: 28 March 2022 11:23
To: licensing@york.gov.uk
Subject: Re: Representation Clifton Bridge Hotel

Categories:

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

Thank you. I have already witnessed a number of fights and drunken and aggressive behaviour – at various times of the day and night – involving people coming into and out of the hotel. I am really concerned that an alcohol licence until 11pm would make this situation worse – if there were heavier alcohol consumption amongst hotel residents, there is likely to be an increase in anti-social behaviour and a resulting impact on crime and disorder in the immediate residential area. A number of hotel residents have approached me in an aggressive manner in recent years during the day time, and I am also concerned for the safety of my son and other children in the area if the hotel were to become a place for day-time and night-time drinking.

Best regards,

On 23 Mar 2022, at 10:42, licensing@york.gov.uk wrote:

Dear

Thank you for your email. Please can you provide a bit more detail as to why you object to the licence application paying particular attention the licensing objectives stated in the attached guide.

Many thanks

Licensing Team

City of York Council | Public Protection

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

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

<image001.png>

-----Original Message-----

Sent: 22 March 2022 17:44

To: licensing@york.gov.uk

Subject: Alcohol licence for Clifton Bridge Hotel

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

I wanted to write to register my concern about the application for an alcohol licence until 11pm for Clifton Bridge Hotel.

I have already witnessed a number of fights and drunken and aggressive behaviour outside the hotel, and a late alcohol licence would undoubtedly make this much worse, particularly in what is otherwise a quiet residential road with a lot of young families.

I would like to strongly object to this application.

Best regards,

(Westminster Road)

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

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit

<https://www.york.gov.uk/privacy>

<Representations - Guidance.doc>

From:
Sent: 05 April 2022 12:28
To: licensing@york.gov.uk
Subject: Representations regarding the application by Clifton Bridge Hotel 23 Water End York YO30 6LL for late night sale by retail of alcohol
Attachments: Objection0422.docx

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

Dear Sir/Madam,
Please find attached our representations regarding the application by Clifton Bridge Hotel 23 Water End YO30 6LL for the late night sale of alcohol.

Yours faithfully

Water End
YO30 6LL



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Clifton Bridge Hotel 23 Water End YO30 6LL

Dear Sir/Madam

We wish to make the following considerations relating to the application for 'late night sale by retail of alcohol' licencing activities by the above hotel on grounds of the potential for public nuisance, public safety, and noise issues.

The hotel is situated in a prominent position on an extremely busy corner of two main roads, Water End and Westminster Road where all of the housing is of a residential nature. It has very limited parking and at present guests sometimes have to park on Westminster Road. The hotel has recently undergone a refurbishment with particular emphasis on the outside areas.

Our considerations relate to the potential for antisocial behaviour, excessive noise and public safety, around and outside of the hotel.

It is not clear in the application whether vertical drinking, with or without food, by hotel guests and/or members of the public would be allowed.

Should vertical drinking be allowed by members of the public, there is a concern regarding the numbers of people present, and drinking spreading onto both Water End and Westminster Road causing public nuisance, public safety and noise issues.

From: n>
Sent: 10 April 2022 16:51
To: licensing@york.gov.uk
Subject: Application for an alcohol license - Clifton Bridge Hotel

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

Dear licensing office

I understand that Clifton Bridge Hotel are reapplying for an alcohol license, and one that extends to 11.0pm.

The Clifton Bridge Hotel sits at the top of Westminster Road, which, as you know, is a totally residential street and one in a residential area.

The Hotel bar is likely to attract non-residents, with non-permit parking available in Westminster Road after 6.0pm. In addition to the risk of noise and antisocial behaviour from late night drinkers coming to and leaving the hotel, I am concerned about the risks to those who go to drink at the hotel - potentially having been drinking at bars and pubs in the city centre. There is an open stretch of river very close by - with no protection or lighting. Late night drinkers have drowned in the Ouse in central York as you know - and the causeway from Water End runs down to river at a point that is much less clearly marked and lit. Both north and south of the Water End area of Clifton Bridge.

I do hope that your Committee will agree that York is already very well-served by bars serving alcohol late into the night and early morning. And does not need another in a residential area by a treacherous stretch of river.

Many thanks for your consideration

Westminster Road

5



**CYC Licensing Act 2003
Notice of Application for the Grant of a Premises License:
Supply of Alcohol (on sales)
Monday to Sunday, 12.00-23.00**

**Applicant: Clifton Bridge Hotel Ltd.
Address: 23 Water End, Clifton, York YO306LL**

Water End, York YO30 6LL

8 April, 2022

To: The Chairman and members of the Committee considering the above Application

Dear Chair and Members,

As an immediate neighbour of the above premises, the attached representation details my considered comments and concerns which I hope will be taken into account when this application is considered.

Overall, from the information available, the proposals represent a fundamental change in status of the Hotel from an "unpretentious guesthouse" ('Clifton Bridge Guesthouse' as advertised on the Net 15.11.21) into an establishment offering some Public House facilities, notorious for public nuisance and often requiring intervention. Such a changed Establishment would be detrimental to the surrounding Community and out of keeping with this Residential Area, creating risks to public safety and threat to health and well-being, particularly that of children (see pages 1 and 2).

For these reasons, together with the potential negative impact of environmental pollution created, I feel I must object to this Application, in that No. 23 Water End would be an inappropriate location for such a changed Establishment.

Yours sincerely,

A handwritten signature consisting of a single horizontal line with a small upward tick at the left end.

Issues of Traffic/Parking

(Public Safety; Harm to children)

The Clifton Bridge Hotel is a Commercial Residential Property located within a close-knit Community in a Residential Area. My first thoughts on the Application are of the substantial increase in traffic that would be created at this busy and dangerous junction were alcohol to become available for consumption on site. Secondly, where could the additional engendered vehicles be parked in this congested area? The Hotel has extremely limited parking facility for the size of the hotel and number of residents it can cater for; a severe, recurring problem over many years.

The proposed changes would exacerbate current congestion not only around the Hotel and around the junction but down Westminster Road, adding to on-going problems with traffic/parking and the hazard they pose, particularly to children. An increase in heavy goods vehicles would be inevitable with deliveries, not only of alcohol but for staffing and other additional daily servicing requirements and waste products. The Hotel's Commercial Waste Bin, seemingly parked permanently on Westminster Road, contributes to congestion and poses problems of safety to road users. No previous owner in 50+ years has disregarded public safety thus. It only needs some reveller to give it a push and it would be on it's way down the incline across the busy Water End.

Supply of Alcohol 'on sales'

(Public Nuisance; Prevention of Crime & Disorder)

This could result in the very long and wide terrace (running across the frontage of the Hotel along Water End and extending along the Westminster Road side of the Hotel) used as a drinking place from lunch time until verging on midnight. Alcohol consumption is notorious for the creation of anti-social behaviours, thoughtlessness, noise and nuisance. This type of Establishment has a history of boisterous and rowdy participants with potential for revellers to impact on a hard-pressed police force.

Opening Hours. Monday to Sunday: Midday to 23.00 hrs

(Public Nuisance; Harm to Children)

It is questionable whether the inevitable increase in public nuisance from lunch time until eleven o'clock at night every day for seven days a week could ever be acceptable in a Residential Area within yards of homes, many with children whose health and well being could be truly harmed by sleep disruption. Not only would there be increased coming and going of heavy traffic and other vehicles (as above) but also the imposition of boisterous chatter of groups such as Stag and Hen parties, particularly after late night alcohol. The impact of the fall-out of the proposed changes could be nightmare scenario for this Residential Community.

Environmental noise pollution

Relevant to the Application, residents in this vicinity are well aware that Music played outdoors (recorded or live, licensed or unlicensed) can prove to be a most negative intrusion, detrimental to health and mental well being. With the proposed changes there is potential for 'Entertainment, including Music and Dancing outdoors', also the 'Serving of hot food and drink between 11pm and 5 am' to be applied for by Temporary Event Notices unless exclusion were to be an embedded condition of any License. We hope we can rely on CYC to ensure that such an intolerable situation could never be experienced in this Residential Area either from the current proposed changes, nor future ones.

From: Margaret Wells
Sent: 13 April 2022 15:26
To: licensing@york.gov.uk
Cc: Cllr. D. Myers
Subject: Objection to Licensing Application

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

Dear Licensing

Re: Clifton Bridge Hotel Ltd, 23 Water End, Clifton, York YO30 6LL

We have looked at the changes made to the original application but are not convinced these are enough to allay the concerns of Clifton residents and do not believe the potential increase in anti-social behaviour has been fully considered.

We would, therefore, like to formally object to the application for a licence for the supply of alcohol for Clifton Bridge Hotel Ltd. The basis of our opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour

The Hotel is situated in a residential area

Neighbouring residents continue to express concerns about the current level of noise and disturbance coming from the Hotel and remain extremely worried about the impact if the property were to be granted a licence which would allow people to drink there from noon to 11pm. They are concerned that people will be leaving the hotel around midnight. Many of the houses by Clifton Green do not have gardens and so they are concerned that this would cause a huge disturbance.

We regularly speak to the Police and are aware that several incidents reported at the Hotel have resulted in Police involvement. The residents are concerned that the granting of a licence will increase the need for Police involvement in Clifton.

We also have concerns about the sale of alcohol so close to the river. There is a riverside walk into the City centre, nearby which has little lighting and does not have the same protection as drinking establishments in the City Centre.

Yours faithfully

Margaret Wells and Danny Myers
Councillors for Clifton

From:
Sent: 13 April 2022 20:51
To: licensing@york.gov.uk
Subject: Objection - Westminster road

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

>
 > Dear licencing team,
 >
 >
 > I would like to formally object to the alcohol licence that has been applied for by the Clifton Bridge Hotel (23 Water End, YO30 6LL), until recently named Clifton Bridge Guest House. As a nearby neighbour (Westminster Road) I am aware that there are often occasions when there are excessive levels of noise that comes from the Hotel and its residents, typically late at night, and that in the last few years the Police have attended on a number of occasions.
 >
 >
 > As a result I am incredibly worried about escalations to the level of anti-social behaviour, and the subsequent need for more police attendance. I consider the potential for the Hotel to be selling alcohol until 11pm every night of the week for on and off sales to be completely inappropriate given the residential nature of its surroundings. Westminster Road, where the main entrance to the hotel is situated, is otherwise a very quiet road every evening. From a personal perspective as the parent of a very young child, the prospect of alcohol being consumed until 11pm each evening in an otherwise quiet neighbourhood horrifies me.
 >

From:
Sent: 13 April 2022 17:49
To: licensing@york.gov.uk
Subject: Clifton Bridge Hotel alcohol licence objection

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

Dear licencing team,

I would like to formally object to the alcohol licence that has been applied for by the Clifton Bridge Hotel (23 Water End, YO30 6LL) until recently named Clifton Bridge Guest House, dated 17/03/2022. As a direct neighbour (Westminster Road) I am aware that there are often occasions when there are excessive levels of noise that comes from the Hotel and its residents, typically late at night, and that in the last few years the Police have attended on a number of occasions.

As a result I am incredibly worried about escalations to the level of anti-social behaviour, and the subsequent need for more police attendance. I consider the potential for the Hotel to be selling alcohol until 11pm every night of the week to be completely inappropriate given the residential nature of its surroundings. Westminster Road, where the main entrance to the hotel is situated, is otherwise a very quiet road every evening. From a personal perspective as the parent of two young children and married to a doctor who commutes to Hull Royal Infirmary, the prospect of alcohol being consumed until 11pm each evening in an otherwise quiet neighbourhood troubles me.

Therefore, I object to this application on the grounds of prevention of crime and disorder, and the prevention of public nuisance.

On a more practical basis I am aware that the person named as the 'premises supervisor' on the application (Daniel Ferraioli) is not, to my understanding the person in charge of the day to day running of the business (the owner Arthur Ferraioli). I would therefore seek assurances from the applicant and Council that the named premises supervisor is aware of the relevant requirements as laid out in the Governments Alcohol Licencing Guidance (<https://www.gov.uk/guidance/alcohol-licensing#designated-premises-supervisors>).

Kind regards,

Westminster Road, YO30 6LZ)



From: licensing@york.gov.uk
Sent: 14 April 2022 16:24
To:
Subject: FW: Objection to application of alcohol licence

FYI

From: [redacted]
Sent: 14 April 2022 15:46
To: licensing@york.gov.uk
Subject: Objection to application of alcohol licence

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

Dear licensing team

I would like to formally object to the alcohol licence that has been applied for by the Clifton Bridge Hotel (23 Water End, YO30 6LL).

I am aware that there have already been occasions of excessive noise that comes from the Hotel and it's residents, typically late at night, and the Police have attended on a number of occasions.

I, and other neighbours, are concerned about escalating levels of anti-social behaviour, and the subsequent need for more Police attendance. I consider the issuing of a licence enabling the Hotel to sell alcohol every night of the week to 11pm inappropriate given the residential nature of the environment in which it's situated. The neighbourhood is otherwise a very quiet road. As a parent of a young child, this potential rise of anti-social behaviour, drain on Police resources, really concerns me.

I therefore object to this application on the grounds of prevention of crime and disorder, and on prevention of public nuisance.

Yours,

Westminster Road

Sent from my iPhone

10

From: k>
Sent: 14 April 2022 19:58
To: licensing@york.gov.uk
Cc:
Subject: Representation for the application for a premises licence for Clifton Bridge Hotel

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

I live in Westminster Road in close proximity to the premises and would like to make the following representation objecting to this application on the grounds of the prevention of public nuisance licensing objective.

The application is to license the premises for the on and off sale of alcohol between 12 noon to 22:30, with a closing time of 23:00, seven days a week in a quiet residential area.

The application includes a large external area which will result in raised voices and other drink related noisy behaviour and will introduce a noise nuisance into an otherwise quiet residential road.

As it stands, the application would enable vertical drinking indoors and in the external area. The application would also allow a bar in the outside area. This would be likely to increase the flow of alcohol and the amount of noise generated.

Although the provision of entertainment has not been applied for, it is noted that if the licence is granted there will be nothing to prevent the playing of live or recorded music on the premises, including the outside area, until 23:00 daily as this is de-regulated prior to 23:00.

The introduction of licensed premises into our residential road will involve individuals leaving the premises until late at night under the influence of alcohol and there will be noise from customers' taxis and from increased footfall.

This will introduce, dramatically, levels of noise and disturbance which currently do not occur in Westminster Road. The granting of the application will inevitably result in public nuisance and will have a material and negative impact on residents.

Whilst the application indicates that the premises will operate as a hotel and restaurant, the applicant has not offered conditions sufficiently tailored to a restaurant operation, including alcohol ancillary to food and number of table covers. Nor are sufficient conditions offered as part of the application to prevent noise disturbance. If a licence is granted, suitable conditions are requested to prevent the introduction of a public nuisance into an otherwise quiet, highly residential setting. I therefore request that consideration is given to adding the following conditions to a licence, if granted:

1. The premises shall operate predominantly as a hotel with ancillary restaurant. It shall not operate as a bar or nightclub or vertical drinking establishment.

2. The sale and supply of alcohol in all parts of the premises shall be by waiter or waitress service only, served only to a person seated and bona fide taking a substantial table meal there and for consumption by

such a person as ancillary to their meal. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

3. There shall be no more than [20] seats provided for customer use in the outside area of the premises. There shall be seating for not fewer than [] customers in the indoor seating areas shown on the floor plan.

4. There shall be no vertical drinking on the premises.

5. The outside area shall be closed and cleared of customers by 21:00 daily.

6. All windows and external doors shall be kept closed between during opening hours, except for the immediate access and egress of persons.

7. The premises licence holder shall ensure that any customers smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the pavement.

8. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.

9. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers. No drinks or drinking glasses shall be taken out of the licensed area onto the pavement or highway.

Yours sincerely,

Westminster Road

York

YO30 6LY

From:
Sent: 14 April 2022 14:23
To: licensing@york.gov.uk
Subject: RE: License for Clifton Bridge Hotel

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

Dear Licensing Officer

I understand that the hotel has revised the details of the application to be a residents/diners only alcohol license. Whilst this is an improvement, it is still a problem in a highly residential area and the details listed below, still apply. I am also really concerned that a successful application for this limited license may result in a change to a full license in the future.

I own and live in the property adjoining the applicant, my address is ' ' Water End, Clifton York YO30 6LL.

The recent erection of a new, covered seating area, which I was not informed of, has also now provided an open facing side towards my property. Anyone sitting in the outside area would be exceptionally close and "peering" onto my property which would compromise my privacy and security.

I would point out reasons why this application is not acceptable :-

- There is also the potential for a resident's group of stag or hen parties which are a huge problem in the city centre. Staying just outside of the city, within walking distance, would cause massive disruption to a quiet, residential area.
- There is limited parking onsite and all of these areas around the property are residents only parking, entrances to residents driveways and on the corner of an extremely busy main road (The three services have to drive extremely fast to attend to their jobs along this main highway) and this would be a nightmare for them and not acceptable on a corner such as this.
- As you are aware, this is a fully residential area and would be highly disruptive to all residents.
- This is a community of families with small children, I have a 1 year old granddaughter who stays here on a weekly basis and the potential for noise and, shall we say, boisterous patrons leaving late at night, would be very disruptive to families living locally and my family in particular. The potential for public nuisance is very real and unacceptable. Doors slamming, cabs, taxis and ubers delivering and collecting patrons would significantly increase noise pollution all day long.
- There is a risk to children in the area with potential numbers of inebriated patrons leaving the "Pub", and walking down the residential Westminster Road or Water End area. We all know that drink increases the boisterous nature of people and, if this is during the day, children could be out playing in the area and could be at risk. More Police presence springs to mind and therefore causing more disruption.
- The potential for drinking glasses, glass bottles, cigarette waste and litter to be dropped in the vicinity and over my garden wall is real and probable.
- None of this takes into account the potential for traffic issues in a purely residential area, with deliveries to the guest house having to park on a very difficult junction, in a residents only parking area. This would be disruptive to the residents of Westminster Road and the traffic on the main Water End road and any adjoining roads.
- Deliveries of beer etc, by very large lorries, on a residential road is both disruptive and dangerous for children in the area.

In conclusion, in so many ways, this application is highly inappropriate for the area in which it is situated.

Please acknowledge receipt of this objection.

1 Water End
Clifton
York YO30 6LL

Sent from Mail for Windows

Annex S



Date: 07 Dec 2021

Author: City of York Council

Scale: 1:1,250



This page is intentionally left blank

**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).

This page is intentionally left blank

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.

This page is intentionally left blank