

Licensing/Gambling Hearing

To: Councillors Galvin, Looker and Melly

Date: Thursday, 21 July 2022

Time: 10.00 am

Venue: Remote Meeting

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

4. Exclusion of Press and Public

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

5. Minutes

To approve and sign the minutes of the Licensing Hearing held on 13 June 2022.

6. The Determination of a Section 35(3)(a) Application by GTFO Bars Ltd for Variation of a Premises Licence in respect of The White Horse Inn, The Green, Upper Poppleton, York, YO26 6DF (CYC-08978)

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 Representors 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;
- 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
24. The Chair will invite the Applicant 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
 - Local residents
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

Determination

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) usually within 5 working days of the hearing. There can be no further questions or statements.

31. If the Sub-Committee does not make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 5 working days of the decision being made.

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

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	13 June 2022
Present	Councillors Galvin, Melly and Wann

1. Chair

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

2. Introductions

The Chair introduced the Sub-Committee Members, the Legal Adviser and the Democratic Services officer. The CYC Licensing Manager Lesley Cooke, the Tesco Licensing Manager Hardish Purewell, and the local Tesco Store Manager Emma Martin then introduced themselves.

3. Declarations of Interest

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

4. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

5. Minutes

Resolved: That the minutes of the Licensing Hearing held on 23 May 2022 be approved as a correct record, to be signed by the Chair at a later date, subject to the following amendment:

- in paragraph (vii) under 'Reasons', replace '*no evidence*' with '*insufficient evidence*'.

6. **The Determination of a Section 18(3)(a) Application by Tesco Stores Ltd. for a Premises Licence in respect of 45 - 49 Gillygate, York, YO31 7EA (CYC-070642)**

Members considered an application by Tesco Stores Ltd. for a premises licence in respect of 45-49 Gillygate, York YO31 7EA.

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

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

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

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

The Licensing Manager outlined the report and the annexes, correcting two errors in paragraph 5 of the report and confirming that the licensable activities applied for included the supply of alcohol **off** the premises, and late night refreshment. She noted that the premises were not in the cumulative impact area and confirmed that the Applicant had carried out the consultation process correctly. She highlighted the additional conditions agreed by the Applicant with North Yorkshire Police, noting that the Police had subsequently withdrawn their objections. She drew attention to the two representations received from local residents, as set out in Annex 3. Finally, she advised the Sub Committee of the options open to them in determining the application.

4. The representations made by Hardish Purewal, Licensing Manager for Tesco, on behalf of Tesco Stores Limited (the Applicant).

Ms Purewal stated that this was a new application for premises due to open in October 2022. The premises would operate as a smaller convenience format or 'Express' store, with a range of approximately 5,000 lines targeted to the area. Alcohol was just a small, though important, part of this range. The Store Manager, Emma Martin, had a wealth of experience, having been with Tesco for 15 years and a store manager in York for 6 years, currently at Goodramgate. The store would employ about 20 colleagues and 3 shift managers and would provide roles for people in the local community, with a mixture of experienced and new staff. The recruitment process would take place 8 weeks before opening. There would be a range of carefully selected lines in store and alcohol miniatures would not be sold except in gift packs. Tesco took pride in being a good neighbour in the community and had awarded over £172,000 to groups and charities in the local area.

Ms Purewal went on to say that Tesco had a good relationship with the statutory authorities and she herself chaired a Retail Alcohol Standards group that advised on best practice across the industry and offered free guidance to smaller shops. Emma Martin was involved in the Pubwatch scheme, meeting with the local police and PCSOs; there had also been talk of a Retailwatch scheme in which she would be happy to take part. The training offered by Tesco was endorsed by the BII; training on alcohol sales and security was provided to staff twice a year as well as on joining. This included training on proxy sales and how to spot someone who was drunk. Conflict training was also provided on how to manage people who were drunk. Tesco operated a strong 'Think 25' policy and a 'you say no, we say no' rule, whereby a manager would not over-rule a decision by a member of staff to refuse a sale. CCTV Panic alarms, tags on high value items, bodycams, and headsets for quick communications between teams were all part of the security provided in stores. Central support was also provided, and the shop would be tested 4 times per year by an external audit

company to ensure it was following Think 25. Promotions were all set nationally. The application for late night refreshments was needed for the Costa coffee machine, for which payment was taken at the checkout.

With regard to the representations, Ms Purewal confirmed that the Applicant was happy to work with local community organisations to nip any problems in the bud, and that they already co-operated with police and rangers in the city in refusing alcohol to people involved in anti-social behaviour. The police were working on a multi-agency plan and the Applicant would fit in with that. Under the council's policy and the S182 guidance, permission was generally granted for shops to sell alcohol during their operating hours unless there was a reason not to; in this case there was no evidence to suggest any reason to refuse permission. The police had agreed conditions and the Applicant would work with them on any new issues that arose. The closing times of other premises were not relevant, as each application must be considered on its own merits.

In response to a question from the Chair, Ms Purewal said she was not aware of the recent decision to introduce a Public Space Protection Order in the area covering Gillygate, but that Tesco already operated a number of premises in other PSPO areas and would be happy to work with police on this.

Ms Purewal was then given to opportunity to sum up. She referred to the points already made in her submission, which she hoped had demonstrated that Tesco was an excellent operator with all the necessary policies and procedures in place, and stated that there was no evidence to suggest that the application should not be granted.

The Chair sought clarification with regard to the condition in the operating schedule relating to CCTV. Ms Purewal confirmed that the Applicant would be happy for this to include a requirement to make CCTV footage available to the responsible authorities on request.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application

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

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Refuse to specify a person on the licence as premises supervisor. This option was **rejected**.
- Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted with modified / additional conditions imposed by the Sub-Committee, as set out below:

Activity	Timings
Supply of alcohol – off the premises	Monday to Sunday 06:00 – midnight
Late night refreshment	Monday to Sunday 23:00 – midnight
Opening hours	Monday to Sunday 06:00 – midnight

The additional/modified conditions are as follows:

- (i) There shall be no sale of single cans of beer, lager or cider from the premises and no sales of single bottles of beer,

lager or cider in vessels of less than 500ml with the exception of premium craft products.

(ii) There will be no display of alcohol within 5 metres of the store entrance.

(iii) The premises licence holder or designated premises supervisor is responsible for risk assessing the need for door staff at the premises. Where engaged, door staff shall be licensed by the Security Industry Authority.

(iv) Viewing of CCTV images shall be made available immediately upon request of a Police officer or authorised officer of the Licensing Authority throughout the entire 31 day retention period [referred to in the CCTV condition in the operating schedule submitted by the Applicant].

No conditions have been removed from the operating schedule submitted by the Applicant.

Reasons: (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

(ii) The Sub-Committee notes the local residents' concerns that the application would lead to crime and disorder and public nuisance and in particular that there has been a problem with street drinkers in the area.

(iii) They also note the conditions offered in the operating schedule to promote the licensing objectives, that there had been no objection to the application from the Responsible Authorities and that the Police had agreed conditions with the applicant to address potential issues relating to crime and disorder and anti- social behaviour.

(iv) The Sub-Committee considers that it has received sufficient assurances from the applicant in order to have a high level of confidence that the premises will be operated responsibly and that it can, with the imposition of suitable conditions,

operate without adding to or causing alcohol related problems in the area.

(v) The Sub-Committee considers that the grant of the application with the above mandatory and additional conditions will not undermine the promotion of the licensing objectives.

Cllr R Melly, Chair

[The meeting started at 10.00 am and finished at 10.40 am].

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Licensing Act 2003 Sub Committee

21 July 2022

Report from the Director – Environment, Transport & Planning

Section 35(3) (a) Application for variation of a premises licence for the White Horse Inn, The Green, Upper Poppleton, York, YO26 6DF

Summary

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 08978
3. Name of applicant: GTFO Bars Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises currently trades primarily as a public house with a premises licence granted on conversion of the Justices Licence in 2005. The variation seeks the following:

- a) The extension of the licensed area covered by the premises licence to include a new bar servery to serve the garden area.
- b) To add a condition to the licence requiring the new external bar servery closes no later than 2300 each day.
- c) There is **no change** proposed to the current hours.

Licensable Activity	Existing hours
Regulated Entertainment Plays – indoors & outdoors	0700 to 2300 Sun to Thurs 0700 to 0000 Fri & Sat
Films – Indoors	
Indoor Sport	

Live Music – Indoors & Outdoors	
Recorded Music – Indoors	
Other entertainment – Indoors	
Late Night Refreshment – Indoors & Outdoors	2300 to 2345 Sun to Thurs 2300 to 0045 Fri & Sat
Supply of Alcohol – on & off the premises	0900 to 2330 Sun to Thurs 0900 to 0030 Fri & Sat
Opening hours	0700 to 0000 Sun to Thurs 0700 to 0100 Fri & Sat

Background

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

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
 - The external bar servery shown on the premises licence plan will close no later than 11pm every day

Special Policy Consideration

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

Consultation

11. 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.

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

Summary of Representations made by Responsible Authorities

13. North Yorkshire Police have agreed a modification to the operating schedule with the applicant who has agreed to amend their suggested new condition. The amended condition can be found at **Annex 4**.

Summary of Representations made by Other Parties

14. There has been one relevant representations received from other persons. The list of representors is attached at **Annex 5**.
15. The representation is predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder. They state that these objectives will be undermined if the application is granted.
16. A copy of the representation are attached at **Annex 6**.
17. A map showing the general area around the venue is attached at **Annex 7**.
18. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 8**. The Legislation and Policy considerations can be found at **Annex 9**.
19. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
20. Option 1: Modify the conditions of the licence
21. Option 2: Reject the whole or part of the application.
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Analysis

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

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

Council Plan

25. 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.
26. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

27.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the 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

28. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are

aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.

29. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

30. Members determine the application.
Reason: To address the 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
29.6.2022

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

Wards Affected: Rural West York Ward



For further information please contact the author of the report

Background Papers:

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

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York
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@york.gov.uk
 Telephone: 01904 552422

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

RJT/MJM/98454.28085

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

GTFO BARS LIMITED

* Family name

GTFO BARS LIMITED

* E-mail

mandy_mighty@gosschalks.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

13982880

Business name

GTFO BARS LIMITED

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...Your position in the business Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

9,000

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible? Yes NoDo you want the proposed variation to have effect in relation to the
introduction of the late night levy? Yes NoYou do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend**Describe Briefly The Nature Of The Proposed Variation**

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.

1. To amend the premises licence plan to show a new bar servery to serve the garden area.
2. To add a condition to the licence requiring that the new external bar servery closes no later than 11.00pm every day.

Section 4 of 18**PROVISION OF PLAYS**[See guidance on regulated entertainment](#)Will the schedule to provide plays be subject to change if this application to
vary is successful? Yes No**Section 5 of 18****PROVISION OF FILMS**[See guidance on regulated entertainment](#)Will the schedule to provide films be subject to change if this application to
vary is successful? Yes No**Section 6 of 18****PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 07:00

End 01:00

Start

End

SUNDAY

Start 07:00

End 00:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Empty text box for seasonal variations.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS EXISTING

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

Empty text box for identifying conditions to be removed.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Please note that the premises licence will follow

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

An additional condition to read:-
"The external bar servery shown on the premises licence plan will close no later than 11pm every day"

All other conditions are to remain.

b) The prevention of crime and disorder

All existing conditions with the additional condition.

c) Public safety

All existing conditions with the additional condition.

d) The prevention of public nuisance

All existing conditions with the additional condition.

e) The protection of children from harm

All existing conditions with the additional condition.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 18 of 18**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS**AUTHORITY POSTAL ADDRESS**

*Continued from previous page...***Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I/We understand that 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

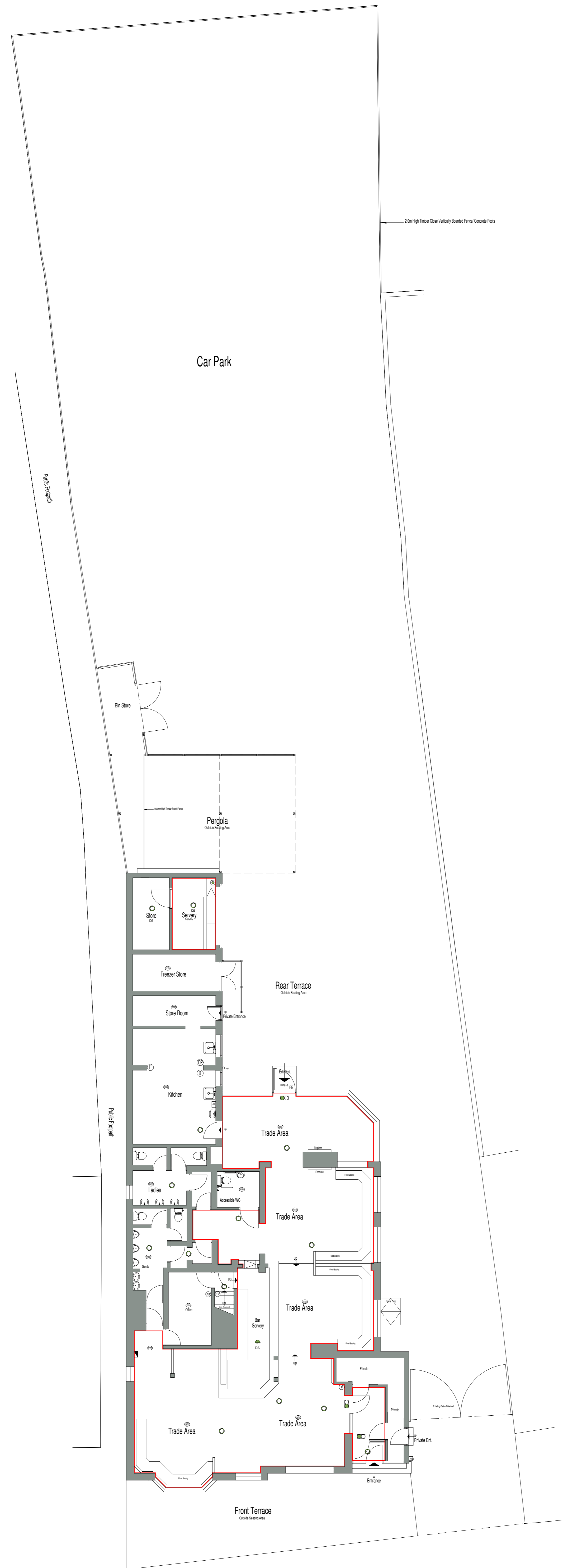
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/york/change-1> to upload this file and continue with your application.

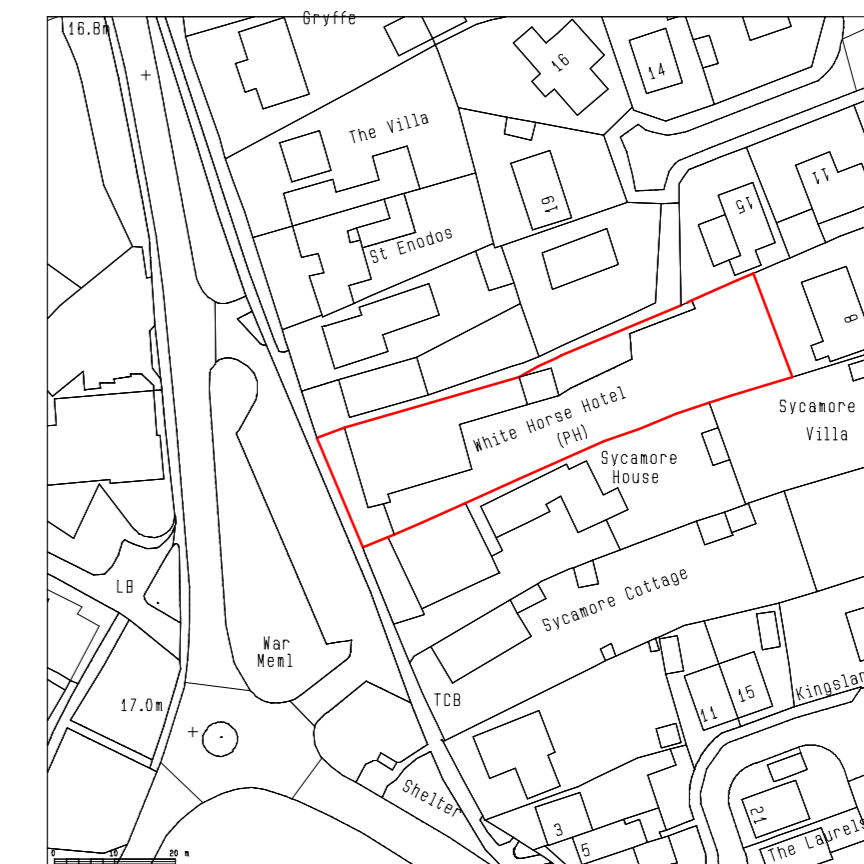
Don't forget to make sure you have all your supporting documentation to hand.

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.

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FIRE SAFETY	
F1030S	Fire Resistant Door (30min) - Fitted With Self-Closing Device, Glazed Glass & Fire-rated Glazing - 1800mm High
FB	Push Bar Emergency Together With A.N.C. Notice Positioned Below The Push Bar
VP	Visual Panel Mounting Kit (Level 450x450mm) (Unless Otherwise Stated)
W	Water Extinguisher (L Capacity) (Unless Otherwise Stated)
EP	Foam Extinguisher (L Capacity) (Unless Otherwise Stated)
DP	Dry Powder Extinguisher (L Capacity) (Unless Otherwise Stated)
B	Fire Barrier (1000 x 1000mm) (Unless Otherwise Stated)
CB	Carbon Dioxide Extinguisher (L Capacity) (Unless Otherwise Stated)
FRG	Fire Resistant Glass
IP	Fire Alarm Zone Indicator Panel
Ⓜ	Fire Alarm Actuating Point
🔊	Fire Alarm Sounder
DB	Automatic Fire Detection Smoke
DH	Automatic Fire Detection Heat
🔦	Emergency Lighting Unit
🚪	Illuminated Exit Sign (Planning Mark Symbol)
EXISTING INSTALLATION TO REMAIN AS EXISTING	



Site Location Plan
Scale 1:1250

Licensable Activities May Take Place in All Public Areas
Unless the Premises Licence Specifies Otherwise

Drawing Status

The contractor is responsible for checking and verifying all site dimensions and discrepancies should be reported to the designer prior to commencement on site.

The contractor is also responsible for checking this drawing against all other specialist drawings provided.

All work to be carried out strictly in accordance with the Building Regulations.

© This drawing remains the copyright of Applied Design Partnership Ltd.


Ground Floor Plan
Scale 1:100

ADP
Applied Design Partnership Ltd
Project Management • Interior Design • Architecture
25 FRODOX LANE, FRODOX, WEST YORKSHIRE, LE14 7BN
Tel: 01753 819566
email: dan@adppartnership.co.uk

Site: **The White Horse**
The Green, Upper Poppleton
York YO26 6DF

Title: **Licensing Submission Drawing**

Drawing No:	1198-05	Revision:
Scale:	DM	Date:
1:100 @ A0		

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Annex 2

LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Premises licence number
CYC - 008978

Part 1 Premises details

Postal address of premises:

**White Horse Inn
The Green
Upper Poppleton**

Post town: **York**

Post code: **YO26 6DF**

Telephone number: 01904 606921

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

- Plays
- Films
- Indoor sporting events
- Live Music
- Recorded Music
- Activities like music/dance
- Late Night Refreshment
- Supply of Alcohol

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

PLAYS

Indoors and Outdoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

FILMS

Indoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

INDOOR SPORTING EVENTS

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

LIVE MUSIC

Indoors and Outdoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

RECORDED MUSIC

Indoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

ACTIVITIES LIKE MUSIC/DANCE

Indoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

LATE NIGHT REFRESHMENT
Indoors and Outdoors

Monday 23:00 - 23:45	Tuesday 23:00 - 23:45	Wednesday 23:00 - 23:45	Thursday 23:00 - 23:45
Friday 23:00 - 00:45	Saturday 23:00 - 00:45	Sunday 23:00 - 23:45	

SUPPLY OF ALCOHOL

Monday 09:00 - 23:30	Tuesday 09:00 - 23:30	Wednesday 09:00 - 23:30	Thursday 09:00 - 23:30
Friday 09:00 - 00:30	Saturday 09:00 - 00:30	Sunday 09:00 - 23:30	

Non Standard Timings for Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Activities like Music/Dance,

New Year - From 07:00 New Years Eve to one hour before closing time New Years Day
Bank Holidays (Friday, Saturday, Sunday) 07:00 - 00:00
Christmas Eve 07:00 - 00:00
Christmas Day & Boxing Day 07:00 - 23:00

Non Standard Timings for Late Night Refreshment:

New Year - From 23:00 New Years Eve to 15 minutes before closing time New Years Day
Bank Holidays (Friday, Saturday, Sunday) 23:00 - 00:45
Christmas Eve 23:00 - 00:45
Christmas Day & Boxing Day 23:00 - 23:45

Non Standard Timings for Supply of Alcohol:

Bank Holiday (Friday, Saturday, Sunday) 09:00 - 00:30 New Year - 09:00 New Years Eve until permitted terminal hour New Years Day
Christmas Eve - 09:00 - 00:30
Christmas Day - 10:00 - 23:30
Boxing Day - 09:00 - 23:30

The Opening Hours of the Premises

Monday 07:00 - 00:00	Tuesday 07:00 - 00:00	Wednesday 07:00 - 00:00	Thursday 07:00 - 00:00
Friday 07:00 - 01:00	Saturday 07:00 - 01:00	Sunday 07:00 - 00:00	

Non Standard Timings:

Bank Holiday (Friday, Saturday, Sunday) 07:00 - 01:00 New Year - 07:00 New Years Eve until permitted terminal hour New Years Day
Christmas Eve - 09:00 - 01:00
Christmas Day - 10:00 - 00:00
Boxing Day - 09:00 - 00:00

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

On and off the premises

Part 2

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

Name: GTFO Bars Limited

Address: 32 Alma Terrace
York
YO10 4DJ

Telephone number:

Email address:

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

13982880

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

Name: Christopher John Tinker

Address:

[REDACTED]

Telephone number:

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

City of York Council
CYC-017729

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage

- or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- a) a holographic mark, or
- b) an ultraviolet feature.
7. The responsible person must ensure that –
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- i. beer or cider: ½ pint;
- ii. gin, rum, vodka or whisky: 25ml or 35ml; and
- iii. still wine in a glass: 125ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$ where –
- i. P is the permitted price,
- ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of section 4 of that Act.

2. But nothing in subsection (1) requires such a condition to be imposed -

- a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
- b) in respect of premises in relation to -
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section -

- a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
- b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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

(3) Where -

- (a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Public Safety

- 1) Function bookings will be limited to 150 persons.
- 2) Risk assessments are undertaken.

Public Nuisance

- 3) Notices will be posted at all exits asking customers and staff to keep noise down as they go home.

Protection of Children from Harm

- 4) The restrictions set out in the Licensing Act 2003 will apply.
- 5) No unusual risks of harm to children have been identified.

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

- 6) All external drinking areas shall be vacated, cleared and cleaned by 23:30 hours on each and every day.
- 7) All windows shall be closed by 22:00 hours on each and every day and all external doors shall be self-closing.
- 8) No amplified music shall be played outdoors.
- 9) Plays shall cease at 22:00 hours outdoors.
- 10) Live music shall cease by 22:00 hours outdoors.
- 11) Dancing shall cease by 22:00 hours outdoors.
- 12) Late night refreshment shall cease and be cleared by 23:30 hours outdoors.

Annex 4 – Approved Plan

Plan Number 3034-07-01 Rev A (Minor variation April 2017)

For and on behalf of
The Corporate Director of Place

Date: 25/08/2005
20/04/2022 (Transfer & DPS Variation)

Licensing Services
Hazel Court Eco Depot
James Street
York YO10 3DS

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



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 008978

Postal address of premises:

**White Horse Inn
The Green
Upper Poppleton**

Post town: **York**

Post code: **YO26 6DF**

Telephone number: 01904 606921

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Plays
Films
Indoor sporting events
Live Music
Recorded Music
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

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

PLAYS

Indoors and Outdoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

FILMS

Indoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

INDOOR SPORTING EVENTS

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

LIVE MUSIC

Indoors and Outdoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

RECORDED MUSIC

Indoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

ACTIVITIES LIKE MUSIC/DANCE

Indoors

Monday 07:00 - 23:00	Tuesday 07:00 - 23:00	Wednesday 07:00 - 23:00	Thursday 07:00 - 23:00
Friday 07:00 - 00:00	Saturday 07:00 - 00:00	Sunday 07:00 - 23:00	

LATE NIGHT REFRESHMENT
Indoors and Outdoors

Monday 23:00 - 23:45	Tuesday 23:00 - 23:45	Wednesday 23:00 - 23:45	Thursday 23:00 - 23:45
Friday 23:00 - 00:45	Saturday 23:00 - 00:45	Sunday 23:00 - 23:45	

SUPPLY OF ALCOHOL

Monday 09:00 - 23:30	Tuesday 09:00 - 23:30	Wednesday 09:00 - 23:30	Thursday 09:00 - 23:30
Friday 09:00 - 00:30	Saturday 09:00 - 00:30	Sunday 09:00 - 23:30	

Non Standard Timings for Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Activities like Music/Dance,

New Year - From 07:00 New Years Eve to one hour before closing time New Years Day
Bank Holidays (Friday, Saturday, Sunday) 07:00 - 00:00
Christmas Eve 07:00 - 00:00
Christmas Day & Boxing Day 07:00 - 23:00

Non Standard Timings for Late Night Refreshment:

New Year - From 23:00 New Years Eve to 15 minutes before closing time New Years Day
Bank Holidays (Friday, Saturday, Sunday) 23:00 - 00:45
Christmas Eve 23:00 - 00:45
Christmas Day & Boxing Day 23:00 - 23:45

Non Standard Timings for Supply of Alcohol:

Bank Holiday (Friday, Saturday, Sunday) 09:00 - 00:30 New Year - 09:00 New Years Eve until permitted terminal hour New Years Day
Christmas Eve - 09:00 - 00:30
Christmas Day - 10:00 - 23:30
Boxing Day - 09:00 - 23:30

Other Timing Restrictions:

Plays shall cease at 22:00 hours outdoors.

Live music shall cease by 22:00 hours outdoors.

Dancing shall cease by 22:00 hours outdoors.

Late night refreshment shall cease and be cleared by 23:30 hours outdoors.

The Opening Hours of the Premises

Monday 07:00 - 00:00	Tuesday 07:00 - 00:00	Wednesday 07:00 - 00:00	Thursday 07:00 - 00:00
Friday 07:00 - 01:00	Saturday 07:00 - 01:00	Sunday 07:00 - 00:00	

Non Standard Timings:

Bank Holiday (Friday, Saturday, Sunday) 07:00 - 01:00 New Year - 07:00 New Years Eve until permitted terminal hour New Years Day
Christmas Eve - 09:00 - 01:00
Christmas Day - 10:00 - 00:00
Boxing Day - 09:00 - 00:00

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

On and off the premises

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

Name: GTFO Bars Limited
Address: 32 Alma Terrace
York
YO10 4DJ

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

13982880

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

Christopher John Tinker

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

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.

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.

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.

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).

The restrictions set out in the Licensing Act 2003 will apply.

No unusual risks of harm to children have been identified.



























For and on behalf of
The Corporate Director of Place

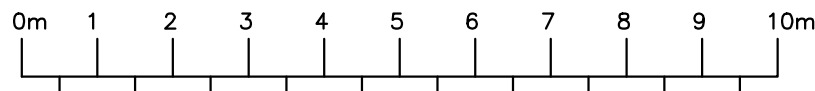
Licensing Services
Hazel Court Eco Depot
James Street
York YO10 3DS

Date: 25/08/2005
20/04/2022 (Transfer & DPS Variation)

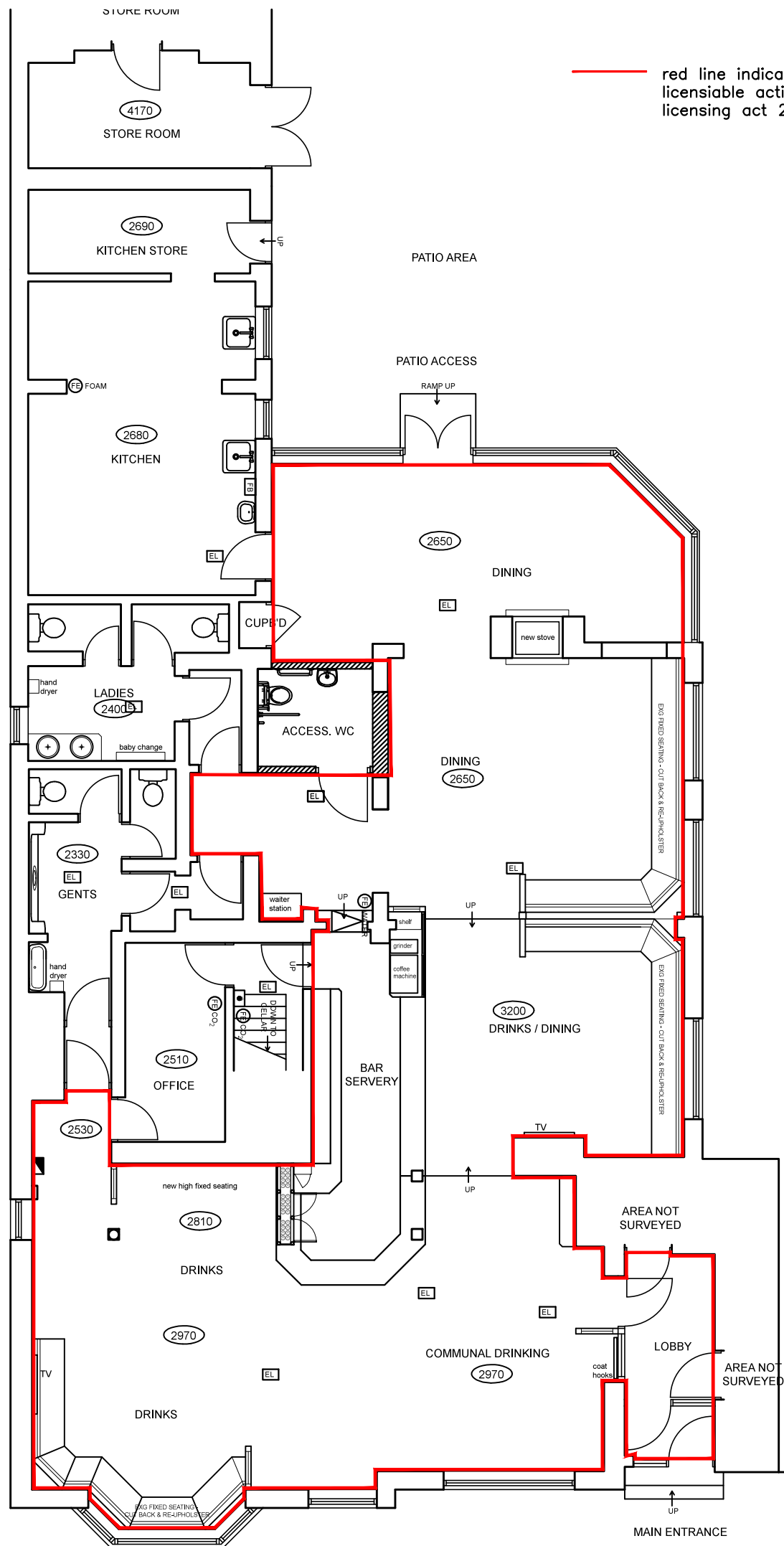
Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

LEGEND

-  CEILING HEIGHT
-  WINDOW
-  FIRE PLACE
-  DOOR
-  TOILET
-  URINAL
-  WASH HAND BASIN
-  BOILER
-  FIRE EXIT
-  EMERGENCY LIGHT
-  DISTRIBUTION BOARD
-  FIRE ALARM CALL POINT
-  BELL SOUNDER
-  SMOKE DETECTOR
-  HEAT DETECTOR
-  FIRE BLANKET
-  FIRE EXTINGUISHER CO₂
-  FIRE EXTINGUISHER FOAM
-  FIRE EXTINGUISHER WATER
-  FIRE EXTINGUISHER POWDER
-  SPRINKLER OUTLETS
-  DRY RISER
-  WET RISER
-  STEPS
-  SINK UNIT
-  BAR FLAP



SCALE 1:100 METRES



red line indicates area of licensable activities under the licensing act 2003

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NOTES:
 - Do not scale from this drawing, all dimensions must be checked on site. The contractor must verify all site dimensions, drawings, details & specifications. Any discrepancies must be reported to CONCORDE DESIGN prior to any commencement of work.
 - Figured dimensions to take preference over those scaled.
 - All specified items are to be installed in accordance with the manufacturers recommendations & instructions.

A	07.04.17	Section of fixed seating removed to allow for new accessible toilet cubicle position.	JL	
rev	date	note	init.	ch.

Stage: **LICENSING**

Client: **ENTERPRISE INNS**

Project: **WHITE HORSE
 THE GREEN,
 UPPER POPPLETON
 YORK, YO26 6DF**

Title: **Licensing Plan**

Scale 1:100 Dwg size: A3

Drawn: JL Date:

Drawing No. 3034-07-01 Revision: A

CONCORDE DESIGN

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 Palmer Street
 Hyde Park
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 01302 361 024

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 Screenworks
 22 Highbury Grove
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www.concordebgw.com

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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

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

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

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

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

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

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

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

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

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

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Annex 4 – Additional condition agreed with North Yorkshire Police

Good Afternoon Licensing

North Yorkshire Police have no objection to this full variation, as the new condition proposed for the outside bar to close at 11pm is in line with current Premise Licence conditions, namely:

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

6) All external drinking areas shall be vacated, cleared and cleaned by 23:30 hours on each and every day.

Kind regards

Samantha Bolland PC 1520
Police Licensing Officer
Police Licensing Unit
Partnership Hub

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1 of 3

BRACKENHILLS
UPPER POPPLETON
YORK.

402 66DH.

7.6.22.

DEAR Sir or Madam.

We are writing to voice our concerns and object to the proposed changes regarding "THE WHITE HORSE" public House in Upper Poppleton.

- 1:- OUTSIDE BAR.
- 2:- Increased licencing Time 11pm.
- 3:- ? BEER GARDEN / GARDEN area.

We have lived in Upper Poppleton for over 50 years, approximately 11 years in our present property with no problems. Our property is behind "THE WHITE HORSE" public House, at the back to one side within approximately 5 feet of the boundary. Last year we put up a new 6^{FT} fence for privacy. (between us + ? CAR PARK).

1 :- RE:- outside Bar concerns.

Initially the outside area was for smokers then for covid. During lock down the benches @ the front of the pub were moved to the back. This meant more noise. They are at present back @ the front. It is much quieter. If an outside bar is situated @ the back we have concerns as.

- 1a:- How large the bar area is going to be and where?
- 1b:- Extra seating extra customers extra noise ?
- 1c:- Is there a music licence. ?
- 1d:- Smokers area :- where being moved to ?

2 :- RE:- Increased licencing Time to 11pm concerns.

- 2a CAR park noise (banging of car doors + people

shouting when leaving @ 11pm+. It would mean more noise later and be more stressful? affecting mental and physical health.

2b:- What time is drinking up time if last orders are 11pm?

3

Beer Garden / Garden Area, concerns.

3a:- ? when putting Beer Garden / Garden Area?

3b:- concerns re noise from Beer Garden / Garden Area (due to close proximity to our own garden).

3c:- ? children coming with parents or playing games etc. (Noise) we've already had children kicking a ball against our new fence, concerned a ball or other objects damage our property or someone in our garden. we put up the 6ft fence for privacy.

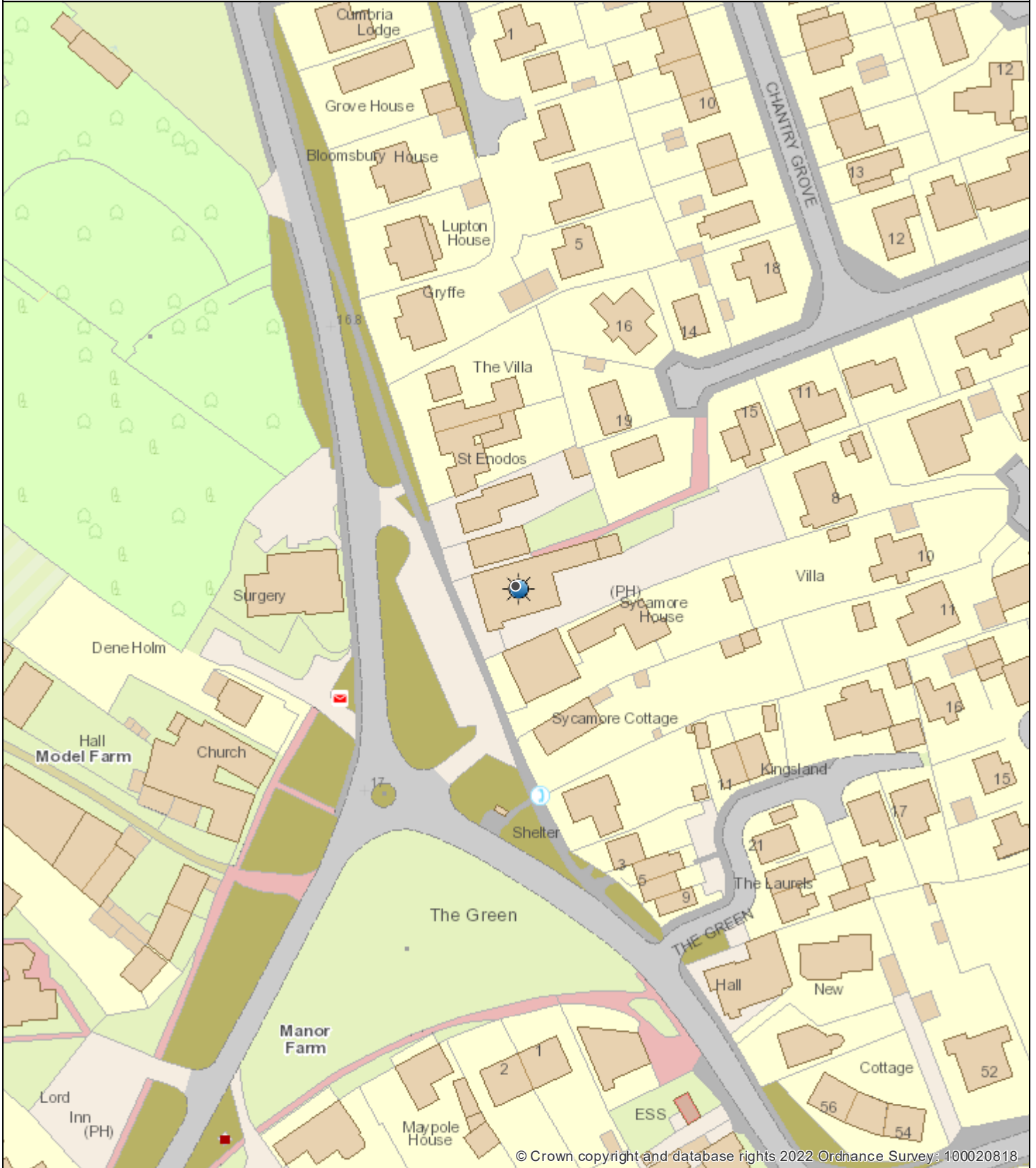
Brackenhill is mostly Bungalows where residents are elderly or retired. It is stressful to sit in your garden and hear revelling when with family and friends. (noise etc). not conducive to the mental health and welfare of us. The noise increased during covid with the outside ruling.

We understand that there was a condition when these houses were built that the piece of land @ the back of the pub? car park could not be sold or built on. When we bought our house there was a fence dividing part of the car park from the pub. The landlord at the time left and removed the fence. Could this condition be clarified?

We are going on holiday 10th June 2022
until 4th July 2022 and would appreciate any
updates on our concerns.

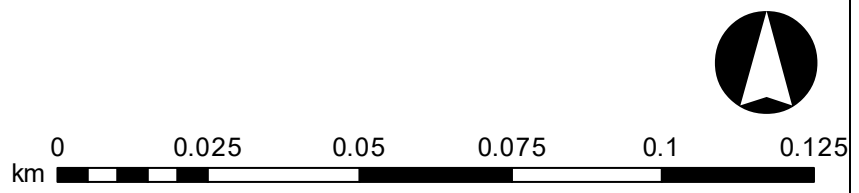
Have enclosed the following.

Map of area



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Date: 23 Jun 2022
Author: City of York Council
Scale: 1:1,250



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

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

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

MANDATORY CONDITION: EXHIBITION OF FILMS

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

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Legislation and Policy Considerations

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

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