

## Licensing/Gambling Hearing

**To:** Councillors Cuthbertson, Nicholls and Rose

**Date:** Thursday, 22 June 2023

**Time:** 10.00 am

**Venue:** Remote Hearing

### A G E N D A

#### 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 and co-opted 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*[Please see attached sheet for further guidance for Members].*

#### 4. Exclusion of Press and Public

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

**5. The Determination of a Section 18(3)(a) Application by Dark Horse Espresso Bar Ltd for a Premises Licence in respect of The Dark Horse Espresso Bar, 147A Bishopthorpe Road, York, YO23 1NZ. (CYC-072806)**

Democratic Services officer:

Name: Fiona Young

Contact Details:

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

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS**

### **Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

### **Preparation for the Remote Licensing Hearing**

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

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

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

### **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and 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.



### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.



## Licensing Act 2003 Sub Committee

Date 22 June 2023

Report from the Director – Environment, Transport & Planning

### **Section 18(3) (a) Application for a premises licence for 147a Bishopthorpe Road, York, YO23 1NZ**

#### **Summary**

1. This report seeks Members' determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 072806
3. Name of applicant: The Dark Horse Espresso Bar Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a new coffee shop/café.

<b>Proposed Activity</b>	<b>Timings</b>
Supply of Alcohol – Both on and off the premises	08:00 – 18:00 Mon to Thurs 08:00 – 23:00 Fri & Sat 08:00 – 21:00 Sun  08:00 start amended from original application
Opening hours	07:30 – 18:00 Mon to Thurs 07:30 – 23:00 Fri & Sat 07:30 – 21:00 Sun

#### **Background**

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.

7. The premises is described in the application as a family run coffee shop serving artisan coffee along with a breakfast and lunch menu with sharing plates and homemade and locally made cakes. With inside dining in a café style atmosphere in the main area, we will also have outside seating. The outside will be sectioned off from the pavement with planters and barriers clearly outlining the boundary. The menu will also be available as takeaway.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

### **Promotion of Licensing Objectives**

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

#### **10. General**

- a. All staff will be fully trained on the operating schedule and the licensing activities that will take place.
- b. Regular staff training will take place and be conducted by management.
- c. A risk assessment will be included in the operation schedule and will be given to each staff member to read/learn/sign.
- d. A copy of the risk assessment will be held on the premises for staff reference.
- e. Appropriate signage will always be displayed at the point of sale.
- f. No proof, no sale age verification policy.
- g. Challenge 25 verification policy.
- h. Only sales to be made during licensed hours.
- i. We are first and foremost a café that does not want to become a bar we just want to be able to have an alcohol offering alongside our café menu. Our business is marketed as a quality coffee shop that's main focus is great coffee and quality food served in a warm and friendly café environment. The sale of alcohol is simply an additional point of sale to our "main" products which is quality artisan coffee and quality food.

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

- a. Effective management of premises and written procedures for managing incidents.
- b. Keeping an incident book and daily register which lists incidents and actions taken.

- c. Ensuring that staff receive proper training on relevant issues, policies and procedures.
- d. Ensuring that contact numbers are available to staff members for street rangers, security and police so that they can be contacted and co-operated with if incidents of a violent, anti-social or otherwise criminal nature occur.
- e. Ensuring all staff are clear on hours that sales of alcohol are permitted within.
- f. Only serving takeaway wine and beer in an unopened condition.
- g. Liqueur hot and cold takeaways to be only consumed in plastic/paper cups with lids.

## **12. Public Safety**

- a. Risk assessment for the premises and sales of alcohol, up to date and available for staff to access.
- b. Ensuring that the premises both internally and externally are maintained in good, clean and tidy condition at all times.
- c. Only serving takeaway liqueur coffee in plastic or paper cups or beer and wine in unopened/sealed bottles and cans.
- d. Implementing a policy of last consumption time to prevent disorder and overconsumption. Stop serving 30 min before closing time.

## **13. The Prevention of Public Nuisance**

- a. Abiding by hours of licence and only serving during those hours.
- b. Complying with all of the conditions of the licence.
- c. Ensuring that appropriate control measures are in place and staff training is up to date and relevant.
- d. Ensuring adequate supervision of outdoor area.
- e. Participating in communication to resolve any issues that may arise.
- f. Managing the disposal of waste and empty cups.
- g. Serving food for patrons to consume at the same time as alcohol consumption if they wish.

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

- a. Displaying relevant signs at point of sales.
- b. Ensuring vigilance against underage drinking and proxy purchasing.
- c. Strictly enforcing challenge 25 and requiring accredited proof of age cards with photographs, or passports, no proof, no sale, age verification policy.
- d. Training staff to recognise fake ID.

- e. Ensuring comprehensive and up to date staff training.
- f. Ensure that consideration is given to the impact of parental drinking and associated behaviours.
- g. Not displaying alcohol alongside confectionary or other goods likely to be of interest to children.
- h. Ensuring that accompanying adults are able to take responsibility for and supervise the children at all times.

### **Special Policy Consideration**

- 15. This premises are not located within the cumulative impact area.

### **Consultation**

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

### **Summary of Representations made by Responsible Authorities**

- 18. North Yorkshire Police made representation on the prevention of crime and disorder, however they have mediated with the applicant who has agreed to amend their operating schedule and timings for the supply of alcohol. The agreed conditions can be found at Annex 3. Therefore, North Yorkshire Police have withdrawn their representation.

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

- 19. There have been two relevant representations received from other persons. The list of representors is attached at Annex 4.
- 20. The representations are predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder objectives. They state that these objectives will be undermined if the application is granted.
- 21. A copy of all the representations are attached at Annex 5.

22. A map showing the general area around the venue is attached at Annex 6.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

### **Options**

24. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
25. Option 1: Grant the licence in the terms applied for.
26. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
27. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
28. Option 4: Refuse to specify a person on the licence as premises supervisor.
29. Option 5: Reject the application.

### **Analysis**

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

## **Council Plan**

36. 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.
37. 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**

38.

- **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**

39. 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.



40. 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

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

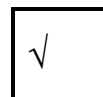
### Contact Details

**Author:**  
Lesley Cooke  
Licensing Manager

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

Tel No. 01904 551515

**Report  
Approved**

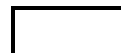


**Date**

1.6.2023

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

**Wards Affected: Micklegate**



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

### Background Papers:

- Annex 1** - Application form and Plan
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** – Condition agreed with North Yorkshire Police
- Annex 4** - List of Representors (**Confidential**)
- Annex 5** - Representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and policy

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ANNEX 1



**CITY OF YORK COUNCIL**

Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We The Dark Horse Espresso Bar Ltd**

.....  
(insert name(s) of applicant)

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	
The Dark Horse Espresso Bar 147A Bishopthorpe Road	
Post town York	Post code YO23 1NZ

Telephone number of premises (if any)

Non-domestic rateable value of premises

**Part 2 – Applicant Details**

Please state whether you are applying for a premises licence as:

Please tick as appropriate

a) an individual or individuals\*  please complete section (A)

b) a person other than an individual\*

i. as a limited company/limited liability partnership  please complete section (B)

- ii. as a partnership (other than limited liability)  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev) \_\_\_\_\_

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev) \_\_\_\_\_

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information).



**(B) OTHER APPLICANTS**

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

Name The Dark Horse Espresso Bar Ltd Laura Edwards
Address  5 St Andrews Walk Newton Kyme Tadcaster LS24 9FA
Registered number (where applicable)  10507276
Description of applicant (for example, partnership, company, unincorporated association etc.)  Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	6	2	0	2	3

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

Day		Month		Year			

Please give a general description of the premises (please read guidance note 1)  
 We are a family run coffee shop. We will be serving artisan coffee along with a breakfast and lunch menu with sharing plates and homemade and locally made cakes. We will have inside dining with a café style atmosphere in the main area, more formal tables and chairs to one side and then little library nook area off to the side of this section. We will have some stools located along the window looking out onto the street and we will also have outside seating. The outside will be sectioned off from the pavement with planters and barriers clearly outlining our boundary. We will also offer our menu as takeaway. We have grown our business/brand from our horsebox located in The Shambles Market, York and the core of our business remains the same-quality artisan coffee, hot chocolate and a quality food offering. We are first and foremost a café and will continue to market our business model in this direction. We are simply growing and expanding our business into a shop. We would like to have an alcohol offering to go alongside our quality food and drink offering and have seen the benefit from this offering in our horsebox. We would love to be able to offer a glass of wine or a cold beer alongside a sharing platter for example and then be able to have a bottle of this wine or the cans of beer available to be purchased to take home and enjoy another time. We would also like to be able

to offer a liqueur to a hot or cold coffee/chocolate the same offering we have from our horsebox, with an option to sit in or to takeaway. This offering has worked extremely well for us within the Shambles Market and we have proven without incident that it is a beneficial addition to our café offering.

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

NA



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

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

Please tick  yes

**Provision of regulated entertainment**

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

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

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

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

**A**

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

**B**

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

**C**

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

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both</b> – please tick (please read guidance note 3)	<b>Indoors</b>	<input type="checkbox"/>
				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
<b>Mon</b>			<b>Please give further details here</b> (please read guidance note 4) <b>We would like to have a singer for example an acoustic singer for a chilled and relaxed music experience to be enjoyed by our customers having a relaxed drink and a bite to eat.</b>		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
<b>Thur</b>					
<b>Fri</b>			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list.</b> (Please read guidance note 6)		
<b>Sat</b>					
<b>Sun</b>					

**F**

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

## G

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

## H

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

I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption on or off the premises or both</b> – please tick (please read guidance note 8) We would like to be able to sell wine and beer in a glass within the café's seating areas inside and outside and also be able to sell unopened bottles of wine and unopened cans of beer to takeaway. We would like to be able to add a liqueur to our hot or iced coffee and chocolate drinks to sit in our cafés seating areas, inside or outside, and to also be able to take this away in a plastic cup or paper cup with lids on. We would also like to be able to offer some cocktails too for example Aperol Spritz or Gin and tonic just for on the premises. We would like to offer a breakfast/brunch with a glass of prosecco on the premises too.	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	7.30	18.00			
Tue	7.30	18.00			
Wed	7.30	18.00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list.</b> (please read guidance note 6)		
Thur	7.30	18.00			
Fri	7.30	23.00			
Sat	7.30	23.00			
Sun	7.30	21.00			

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

**Name** Laura Edwards

**Address**

[REDACTED]

**Postcode**

[REDACTED]

**Personal licence number (if known)**

CYC-065895

**Issuing licensing authority (if known)**

City of York Council

## **K**

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

We will be selling Wine, beer, prosecco, spirits with mixers, cocktails and adding liqueur to our hot and cold coffee and chocolate drinks. Staff will be protecting children from harm by not selling alcohol to persons U18 or adults purchasing for persons U18.



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**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) During the Winter months we may reduce our opening hours and maybe close on one day each week.
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
<b>Mon</b>	7.30	18.00	
<b>Tue</b>	7.30	18.00	
<b>Wed</b>	7.30	18.00	
<b>Thur</b>	7.30	18.00	
<b>Fri</b>	7.30	23.00	
<b>Sat</b>	7.30	23.00	
<b>Sun</b>	7.30	21.00	
<b>Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list.</b> (please read guidance note 6)			

**M**

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

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

All staff will be fully trained on the operating schedule and the licensing activities that will take place. Regular staff training will take place and be conducted by management. The risk assessment will be included in the operation schedule and will be given to each staff member to read/learn/sign. A copy of the risk assessment will be held on the premises for staff reference. Appropriate signage will always be displayed at the point of sale. No proof, no sale age verification policy. Challenge 25 verification policy. Only sales to be made during licensed hours. We are first and foremost a café that does not want to become a bar we just want to be able to have an alcohol offering alongside our café menu. Our business is marketed as a quality coffee shop that's main focus is great coffee and quality food served in a warm and friendly café environment. The sale of alcohol is simply an additional point of sale to our "main" products which is quality artisan coffee and quality food.

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

Effective management of premises and written procedures for managing incidents. Keeping an incident book and daily register which lists incidents and actions taken. Ensuring that staff receive proper training on relevant issues, policies and procedures. Ensuring that contact numbers are available to staff members for street rangers, security and police so that they can be contacted and co-operated with if incidents of a violent, anti-social or otherwise criminal nature occur. Ensuring all staff are clear on hours that sales of alcohol are permitted within. Only serving takeaway wine and beer in an unopened condition. Liqueur hot and cold takeaways to be only consumed in plastic/paper cups with lids.

**c) Public safety**

Risk assessment for the premises and sales of alcohol, up to date and available for staff to access. Ensuring that the premises both internally and externally are maintained in good, clean and tidy condition at all times. Only serving takeaway liqueur coffee in plastic or paper cups or beer and wine in unopened/sealed bottles and cans. Implementing a policy of last consumption time to prevent disorder and overconsumption. Stop serving 30 min before closing time.

**d) The prevention of public nuisance**

Abiding by hours of licence and only serving during those hours. Complying with all of the conditions of the licence. Ensuring that appropriate control measures are in place and staff training is up to date and relevant. Ensuring adequate supervision of outdoor area. Participating in communication to resolve any issues that may arise. Managing the disposal of waste and empty cups. Not serving alcohol outside of licensed times. Serving food for patrons to consume at the same time as alcohol consumption if they wish.

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

**Displaying relevant signs at point of sales. Ensuring vigilance against underage drinking and proxy purchasing. Strictly enforcing challenge 25 and requiring accredited proof of age cards with photographs, or passports, no proof, no sale, age verification policy. Training staff to recognise fake ID. Ensuring comprehensive and up to date staff training. Ensure that consideration is given to the impact of parental drinking and associated behaviours. Not displaying alcohol alongside confectionary or other goods likely to be of interest to children. Ensuring that accompanying adults are able to take responsibility for and supervise the children at all times.**

**Checklist**

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

[Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships]

- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15)

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

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

**SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

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

Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] <ul style="list-style-type: none"> <li>I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).</li> </ul>
Signature	
Date	<b>20/04/2023</b>
Capacity	<b>Director</b>

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 14)

<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>	

**Notes for Guidance**

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

## 2. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

## **Home Office online right to work checking service**

As an alternative to providing a copy of original documents, stated above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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**FIRE FIGHTING EQUIP & EMERGENCY LIGHTING**

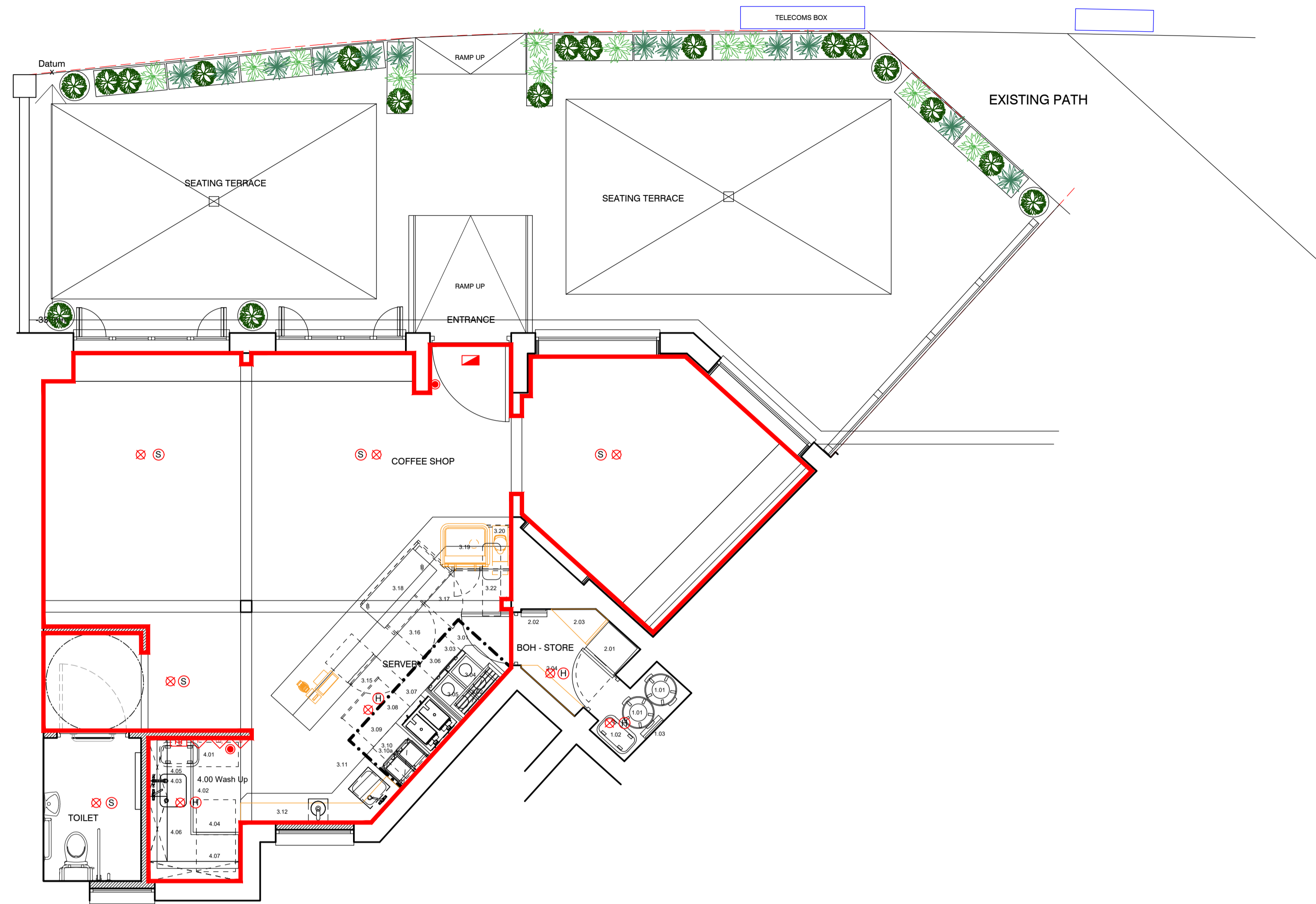
- ▽ MULTI USE FOAM EXTINGUISHER (13A 14B RATING)
- ▽ CO2 EXTINGUISHER (34B ELECTRICAL)
- ▽ WET CHEMICAL EXTINGUISHER (13A 75F RATING)
- APPROPRIATE EXTINGUISHER SIGNS TO BE INSTALLED FOAM
- ☒ FIRE BLANKET
- ⊗ GENERAL EMERGENCY LIGHT
- ⊗ SMOKE / HEAT DETECTOR (AS APPROPRIATE FOR AREA) & SOUNDER. SOUNDER MAY BE SEPARATE IN SOME LOCATIONS.

- ➡ MAINTAINED EXIT BOX WITH DIRECTION ARROW WHERE NOTED.
- MANUAL CALL POINT (STAFF FIRE SAFETY NOTICES TO B.O.H. LOCATIONS)

ALL SYMBOLS ARE SHOWN TO INDICATE THAT AREA / ROOM SHOULD BE PROVIDED WITH THE RELEVANT FACILITY AND DO NOT NECESSARILY REPRESENT ACTUAL POSITIONS.



ITEMS SHOWN ON THIS PLAN WHICH ARE NOT REQUIRED BY THE PLANS REGULATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND DO NOT FORM PART OF THE LICENCE. THESE ITEMS MAY BE MOVED AT THE DISCRETION OF THE LICENSE HOLDER. THE CURRENT LOCATION OF THE FIRE SAFETY EQUIPMENT AND OTHER SAFETY EQUIPMENT IS AS SHOWN. THESE ITEMS MAY BE MOVED FROM TIME TO TIME WITH AGREEMENT OF THE FIRE OFFICER OR AFTER FIRE RISK ASSESSMENT.



PROPOSED LAYOUT

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DO NOT SCALE. WRITTEN DIMENSIONS TO BE USED IN PREFERENCE TO SCALED DIMENSIONS. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR & ALL DISCREPANCIES TO BE REPORTED TO JMDA.

JOB TITLE  
**DARKHORSE COFFEE**  
 YORK

DRAWING TITLE  
**LICENSING PLAN**

DRAWING NUMBER 1685_04_001	REVISION
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SCALE 1:50	SHEET SIZE A1
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DATE 17/04/2023	DRAWN BY RC	CHECKED BY RC
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JMDA LTD  
 2 The Holmes Skipwith,  
 York, YO8 5SL  
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 info@jmdaltd.co.uk  
 www.jmdaltd.co.uk

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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 authorisation<sup>18</sup>) 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 workplace<sup>26</sup> 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 3 – Agreements made with North Yorkshire Police**

In assessing this application, I have considered the Licensing Objectives and the police would seek the following conditions at the Premises in addition to those offered in your application to mitigate the risk of Crime and Disorder and Public Nuisance at the premises. Should these conditions not be acceptable to you then North Yorkshire Police would submit a formal representation in respect of this matter.

### **Amendments to Alcohol sales times:**

**Change from 07:30 hours to start time of 08:00 hours daily**

**All sales of alcohol between 08:00 and 11:00 hours daily will be ancillary to food.**

### **PROPOSED CONDITIONS**

1. The premises shall operate predominantly as a café / wine bar and not as a vertical drinking establishment.
2. There shall be a minimum of 28 seats provided at all times for customer use inside the premises when the premises is trading.
3. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.
  - It will be maintained, working, and recording at all times when the premises are open.
  - The recordings should be of good evidential quality to be produced in Court or other such hearing.
  - Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
  - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
  - Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

4. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the: -
  - operation of the CCTV system (including the downloading of evidence);
  - Retail sale of alcohol
  - Age verification policy

- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

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

5. An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- all crimes reported to the venue
- any complaints received regarding crime and disorder
- any incidents of disorder
- any faults in the CCTV system
- any refusal of sale of alcohol
- any visit by a relevant authority of emergency service

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

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

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

The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo.

8. No open drinks containers shall be taken out of the licensed premises or (licensed area) onto the pavement or highway, with the exception of the outside area as detailed on the premises plan.

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

10. No external area at the premises shall be used after 21:00 hours.

11. All tables and chairs in the outside licensed area shall be stacked immediately after 21:00 hours and stored away securely at the premises when closed.

12. All Doors and windows shall be kept shut after 21:00 hours daily and during the playing of amplified music and other entertainment, except for entry to and egress from the premises.

As discussed, due to ongoing planning application for the outside area the timings are subject to change. If Planning's decision is that 20:00 hours is the cut off then conditions 10, 11 and 12 will have to be line with the earliest hour of 20:00 hours.



PC 1520 Sam Bolland

Police Licensing Officer Selby & Outer York

Police Licensing Unit

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

Document is Restricted

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Rectory Gardens  
York  
YO23 1 PB

**Representation: Objection to a license**

**Applicant: The Dark Horse Espresso Bar Ltd**  
**Premises Address: 147A Bishopthorpe Road, York YO23 1NZ**

First at all we would like to state that we do not object to the business itself and think that a day time family run coffee shop is an interesting addition to the area.

However our representation is concerned with noise and therefore refers to the prevention of public nuisance. A day time coffee shop, even with outside seating, is very different to a bar venue that has very late opening hours on a weekend and sells alcohol that can easily be consumed by customers outside.

This is an entirely residential suburban area with many families and the noise from people sitting outside and consuming alcohol would affect a large number of residents.

One of the intention of the 2003 Licensing Act was to provide safeguards to protect neighbourhoods from disturbance. However no details are provided on how the business is intending to comply with the Prevention of Public Nuisance objective. Other similar businesses in the area have restrictions such as closing the outside seating area in the early evening, keeping windows and doors closed etc.

Also, whilst the original license does not state live music the owners have written about their desire to play live music in a recent York Press article :  
(<https://www.yorkpress.co.uk/news/23498406.dark-horse-espresso-bar-submits-plans-bishopthorpe-road/>) Is a music license planned at a later stage?

We would be grateful if the council could consider putting some restrictions on the current application to help prevent late night noise and public nuisance.

Thank you



**Sefton, Helen**

---

**From:** i  
**Sent:** 23 May 2023 09:39  
**To:** licensing@york.gov.uk  
**Cc:** jonny.crawshaw@yorklabour.org.uk  
**Subject:** 147 Bishopthorpe Road

**Categories:**

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

To whom it may concern:

We are writing in relation to the Licensing Application for 147 Bishopthorpe Road.

We would like to raise two main concerns about the licence application: 1) noise and 2) the potential for anti-social behaviour.

1) The proposed venue is on a junction with no other licenced premises. On an evening this part of Southbank is quiet and residential and the premises are in very close proximity to local homes. Evenings are very different to daytimes here, and in the evening conversations at the bus stop can be heard across the now quiet road.

We have significant concerns about noise during the hours the licence is requested for, especially as it comes with a planning application for outdoor seating. Though the applicants have suggested this will be limited, once granted they or a future proprietor may make more extensive use of the licence. We ask that restrictions to timings be imposed to 7pm outdoors but we would still be concerned about people coming and going, and smoking outside for example. Children's bedrooms are on Bishopthorpe Road.

2) Our second concern is about race days and other events which might see large numbers of people outside drinking with the potential for anti-social behaviour. We ask that if a licence is granted it with conditions relating to sitting down with food to avoid this situation. We understand this is in line with the applicants' cafe model.

The applicants have mentioned live music in a letter to residents, but this doesn't seem to feature on their licence application. The potential for this raises additional concerns about noise.

We would like, where possible, if a licence is granted for there to be reasonable restrictions made to mitigate disturbance for residents.

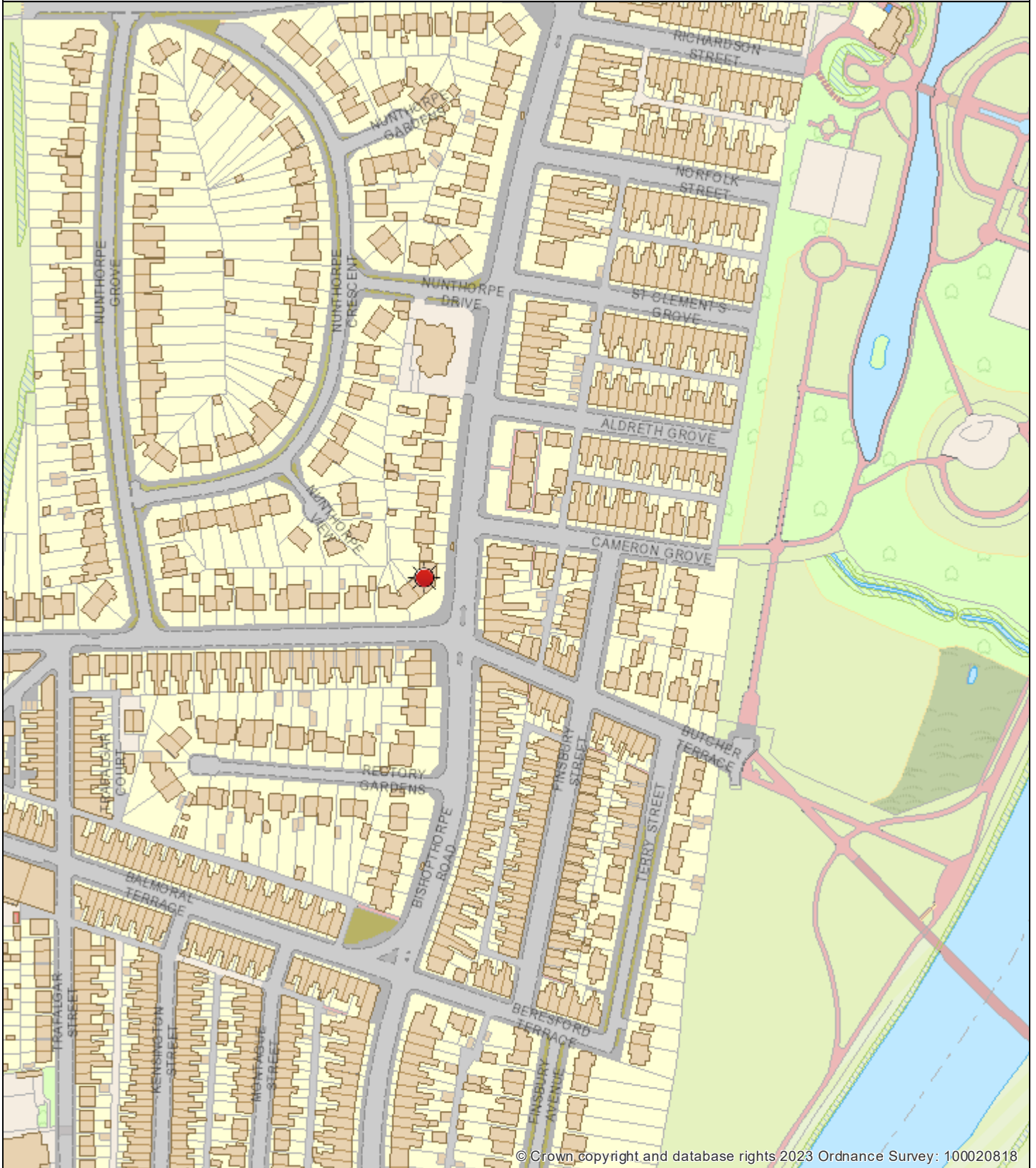
Bishopthorpe Road

[Email disclaimer](#)





# Annex 6 - Map



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**Date:** 25 May 2023

**Author:** City of York Council

**Scale:** 1:2,500



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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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