

## Licensing Hearing

### The Red Lion, Knapton

**To:** Councillors Sue Galloway, Moore and B Watson

**Date:** Monday, 16 October 2006

**Time:** 10.00 am

### AGENDA

**1. Chair**

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

**2. Introductions**

**3. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**4. Exclusion of Press and Public**

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 3 & 5 to Agenda Item 5 as provided by the Data Protection Act 1998.

**5. The Determination of an Application by Richard & Tracy Butler for Determination of Application to Vary Premises Licence 35(3)(a) in respect of The Red Lion, Main Street, Knapton, YO26 6QG. (CYC-009065)**

DUE TO THE SIZE OF THE PLANS, THESE ARE ONLY AVAILABLE FOR INSPECTION – PLEASE CONTACT MELANIE CARR ON (01904) 552061 TO ARRANGE THIS. THE PLANS WILL BE ON DISPLAY AT THE HEARING.

**If you require any further information, please contact Melanie Carr on Tel 01904 552061 or Fax 01904 551035 or email [melanie.carr@york.gov.uk](mailto:melanie.carr@york.gov.uk)**

If viewing this on the Council website, please click on this link:  
<ahref=<mailto:melanie.carr@york.gov.uk>>melanie.carr@york.gov.uk</a>

**Distribution:**

Members of Licensing Act 2003 Sub-Committee  
Licensing Officer  
Legal Services  
Applicant  
Representors  
Press, Libraries, Council Receptions

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than** 10.00 am on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

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All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 613161 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

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کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to; and
- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities



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

### **Introduction**

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

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

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

The purpose of the hearing is

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

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

### **Representations at Licensing Hearings**

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

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

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

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

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

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

### **Procedure prior to the Hearing**

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

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

**Procedure at the Hearing**

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties

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

### **Procedure after the Hearing**

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
  - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
  - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
  - section 105(2)(a) (counter notice following police objection to temporary event notice)
  - section 167(5)(a) (review of premises licence following closure order)
  - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

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

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

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

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**Licensing Act 2003 Sub Committee****16 October 2006**

Report of the Director of Neighbourhood Services

**Section 35(3)(a) Application for the Variation of a premise licence for The Red Lion, Main Street, Knapton, York, YO26 6QG****Summary**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009065.
3. Name of applicant: Richard and Tracey Butler.
4. Type of authorisation applied for: Variation of a premises licence.
5. Summary of application: The nature of the application is to alter the area of the premises currently authorised for carrying out licensable activities to include the outside area and to carry out internal alterations to the premises.

**Background**

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

**Promotion Of Licensing Objectives**

8. No additional steps have been proposed by the applicant to promote the licensing objectives. Conditions existing on the current licence will apply.

**Special Policy Consideration**

9. This premise is not located within the special policy area.

**Consultation**

10. 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.

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

11. A representation was received by the North Yorkshire Fire and Rescue Service which was subsequently withdrawn when the applicant agreed that all building work would be carried out in accordance with the requirements of the Building Control Officer and the Fire Authority after consultation under the Building Regulations.

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

12. Representations have been received from the interested parties listed at Annex 3 (confidential). Their representations are attached at Annex 4.
13. The addresses of the interested parties are indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which representations were received is attached at Annex 6. All representations were received from the Main Street and Back Lane areas of Knapton. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
14. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **Options**

15. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
16. Option 1: Grant the variation of the licence in the terms applied for.
17. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
18. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
19. Option 4: Reject the application.

## Analysis

20. The following could be the result of any decision made this Sub Committee:-
21. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
22. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
23. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 4: This decision could be appealed at Magistrates Court by the applicant.

## Corporate Priorities

25. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
26. These directly contribute to the Council's Safer City priority and corporate aim 4.
27. In addition the licensing objectives of public safety and prevention of public nuisance contribute towards corporate objective 1.4 – protection of residents from pollution, public health and safety hazards.

## Implications

28.
  - **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**

29. In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
30. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the objectives of this report.

## **Recommendations**

31. Members determine the application.

### **Contact Details**

**Author:**

John Lacy  
Temporary Licensing Manager  
Licensing & Regulation  
Tel No. 551593

**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
Neighbourhood Services (Neighbourhoods)

**Report Approved**  **Date** 6 October 2006

### **Specialist Implications Officer(s)**

Suzan Hemingway  
Head of Legal and Democratic Services  
Civic Democratic & Legal Services

**Wards Affected:** Rural West York

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

### **Annexes:**

- Annex 1** - Copy of existing premises licence  
**Annex 2** - Application form  
**Annex 3 (Confidential)** - List of Interested Parties  
**Annex 4** - Representations from Interested Parties  
**Annex 5 (Confidential)** - Map of area indicating addresses of Interested Parties  
**Annex 6** - Map showing general area from which representations received  
**Annex 7** - Mandatory Conditions  
**Annex 8** - Legislation and Policy Considerations



**LICENSING ACT 2003**

**PREMISES LICENCE**

**Schedule 12**

**Part A**

**Part 1 Premises details**

Premises licence number  
CYC - 009065

Postal address of premises:

**Red Lion  
Main Street  
Knapton**

Post town: **York**

Post code: **YO26 6QG**

Telephone number: 01904 793957

**Expiry date:** This licence has no expiry date.

**Licensable activities authorised by the licence:**

Films  
Indoor sporting events  
Live Music  
Recorded Music  
Activities like music/dance  
Facility for making music  
Facilities for dancing  
Late Night Refreshment  
Supply of Alcohol

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

FILMS  
Indoors

Monday  
07:00 - 00:00

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

INDOOR SPORTING EVENTS

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

LIVE MUSIC  
Indoors

Monday  
10:00 - 23:30  
Tuesday  
10:00 - 23:30  
Wednesday  
10:00 - 23:30  
Thursday  
10:00 - 23:30  
Friday  
10:00 - 23:30  
Saturday  
10:00 - 23:30  
Sunday  
10:00 - 23:30

RECORDED MUSIC  
Indoors

Monday  
10:00 - 23:30  
Tuesday  
10:00 - 23:30

Wednesday  
10:00 - 23:30  
Thursday  
10:00 - 23:30  
Friday  
10:00 - 00:30  
Saturday  
10:00 - 00:30  
Sunday  
10:00 - 23:30

ACTIVITY LIKE MUSIC/DANCE

Indoors

Monday  
07:00 - 23:30  
Tuesday  
07:00 - 23:30  
Wednesday  
07:00 - 23:30  
Thursday  
07:00 - 23:30  
Friday  
07:00 - 00:30  
Saturday  
07:00 - 00:30  
Sunday  
07:00 - 23:30

FACILITY FOR MAKING MUSIC

Indoors

Monday  
07:00 - 23:30  
Tuesday  
07:00 - 23:30  
Wednesday  
07:00 - 23:30  
Thursday  
07:00 - 23:30  
Friday  
07:00 - 00:30  
Saturday  
07:00 - 00:30  
Sunday  
07:00 - 23:30

FACILITIES FOR DANCING

Indoors

Monday  
07:00 - 23:30  
Tuesday  
07:00 - 23:30

Wednesday  
07:00 - 23:30  
Thursday  
07:00 - 23:30  
Friday  
07:00 - 00:30  
Saturday  
07:00 - 00:30  
Sunday  
07:00 - 23:30

LATE NIGHT REFRESHMENT

Indoors

Monday  
23:00 - 00:30  
Tuesday  
23:00 - 00:30  
Wednesday  
23:00 - 00:30  
Thursday  
23:00 - 00:30  
Friday  
23:00 - 01:30  
Saturday  
23:00 - 01:30  
Sunday  
23:00 - 00:30

Non Standard Timings

23:00 New Years Eve to 01:30 2 January.  
23:00 - 01:30 Bank Holiday Sundays.

SUPPLY OF ALCOHOL

Monday  
10:00 - 00:00  
Tuesday  
10:00 - 00:00  
Wednesday  
10:00 - 00:00  
Thursday  
10:00 - 00:00  
Friday  
10:00 - 01:00  
Saturday  
10:00 - 01:00  
Sunday  
10:00 - 00:00

Non Standard Timings

10:00 New Years Eve to 01:00 2 January.  
10:00 - 01:00 Bank Holiday Sundays.

**The Opening Hours of the Premises**

Monday  
07:00 - 00:30  
Tuesday  
07:00 - 00:30  
Wednesday  
07:00 - 00:30  
Thursday  
07:00 - 00:30  
Friday  
07:00 - 01:30  
Saturday  
07:00 - 01:30  
Sunday  
07:00 - 00:30

**Non Standard Timings**

07:00 New Years Eve to 01:30 2 January.  
07:00 - 01:30 Bank Holiday Sundays.

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

On the premises  
Off the premises

**Part 2**

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

Name: Mr Richard J & Mrs Tracy J Butler

Address: Main Street  
Knapton  
York  
YO26 6QG

Telephone number: 01904 793957

Email address: None

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

None

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

Name: Mr Richard James Butler

Address: The Red Lion  
Main Street  
Knapton  
York  
YO26 6QG

Telephone number: 01904 793957

**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 - 010224

**Annex 1 – Mandatory conditions**

**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.

**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**

#### General

- 1) Risk assessments in relation to the four licening objectives have being carried out.

#### Public Safety

- 2) Risk assessment have being carried out.

#### Public Nuisance

- 3) Notices will be placed prominently at exits asking customer to leave quietly.

#### 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**

- 1) All children under the age of 16 shall be off the premises by 21:30 hours.



For and on behalf of  
The Deputy Chief Executive

Licensing & Regulatory Services  
9 St Leonard's Place  
York  
YO1 7ET

Date: 02/08/2005

Phone: 01904 551521  
Fax: 01904 551590  
Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

This page is intentionally left blank

Insert name and address of relevant licensing authority and its reference number (optional)

Licensing Department  
York City Council  
York

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We RICHARD AND TRACEY BUTLER  
(Insert name(s) of applicant)

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

**Premises licence number**

NOT KNOWN

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference, or description THE RED LION	
Post town KNAPTON, YORK	Post code YO26 6QG

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 8,350.00

**Part 2 - Applicant Details**

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Post Town

Postcode

**Part 3 - Variation**

Please tick  Yes

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

If not do you want the variation to take effect from

Day		Month		Year	
<input type="text"/>					

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

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**  
 To alter the area for licensable activities to include the outside area and to carry out internal alterations to the premises in accordance with the plans deposited with the licensing authority

**Part 4 - Operating Schedule**

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

**Provision of regulated entertainment**

Please tick  Yes

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

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

## A

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

## B

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

**C**

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

**D**

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

**E**

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

**F**

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

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
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 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)</b>	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat					
Sun			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>					
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors			
					Outdoors			
					Both			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat								
Sun								

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors	
					Outdoors	
					Both	
			Day	Start	Finish	<b><u>Please give a description of the facilities for dancing you will be providing</u></b>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue						
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sat						
Sun						

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both - please tick ✓ (please read guidance note 2)</b>	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here (please read guidance note 3)</u>		
Wed			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

**L**

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

**M**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon			<b>NO CHANGE TO EXISTING HOURS</b>	Both		
Tue						
Wed						
Thur				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri						
Sat						
Sun						

**N**

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

NONE

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) <b>NO CHANGE TO EXISTING HOURS</b>
Day	Start	Finish	
Mon			Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

NONE

Please tick  Yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

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

The premise licence will follow in due course

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

**a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)**

The premises will be constructed in accordance with Drawing No as served with the application, or in the case of alteration to that drawing any further drawing served on the responsible authorities and licensing authority prior to the opening of the premises

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

As existing

**c) Public safety**

As existing

**d) The prevention of public nuisance**

As Existing

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

As existing

Please tick  Yes

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

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

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

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

Signature Gosschalks

Date 24 AUGUST 2006

Capacity Solicitors for and on behalf of the applicants

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b> Gosschalks Solicitors Queens Gardens Kingston-Upon-Hull	
<b>Post town</b>	<b>Post code</b> HU1 3DZ
<b>Telephone number (if any)</b> 01482 324252	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> janet_braithwaite@gosschalks.co.uk	

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

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**Cooke, Lesley**

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**From:** [REDACTED]  
**Sent:** 20 September 2006 17:42  
**To:** Cooke, Lesley  
**Subject:** FW: Red Lion Pub Knapton Extension Ref No 06/01715/ful

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**From:** [REDACTED]  
**Sent:** Wednesday, September 20, 2006 8:38 PM  
**To:** 'lesley.cooke@york.gov.uk'  
**Subject:** RE: Red Lion Pub Knapton Extension

Dear Sir,

I am writing to inform you of my concerns to forthcoming extension plans to the Red Lion public house. I reside at [REDACTED] and the proposed extension will have a detrimental effect on my property and privacy. The side of my property is shared by the fence in the car park. Already we have had disturbance with cars overflowing into Back Lane and in instances blocking off access to my property, by parking on the grass verges and drive way.

The flat roofs are not in keeping with the village and as they are asking for a balcony on the first floor this means we will have no privacy what's so ever in the garden at the rear of my property. We are grand parents and frequently have visits from our grandchildren. Both below school age with the risk of additional road traffic including delivery wagons then Back Lane becomes a dangerous place for young people. At the rear of the present car park are three recycling containers having seen the wagon come to pick the waste up they have extreme difficulty lining up and block of the road while this is in progress the same will happen with delivery wagons damaging verges in the process.

[REDACTED]

--  
No virus found in this outgoing message.  
Checked by AVG Free Edition.  
Version: 7.1.405 / Virus Database: 268.12.4/449 - Release Date: 15-09-2006

--  
No virus found in this outgoing message.  
Checked by AVG Free Edition.  
Version: 7.1.405 / Virus Database: 268.12.5/450 - Release Date: 18-09-2006

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No virus found in this outgoing message.  
Checked by AVG Free Edition.  
Version: 7.1.405 / Virus Database: 268.12.5/450 - Release Date: 18-09-2006

21/09/2006

2

Cooke, Lesley

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**From:** [REDACTED]  
**Sent:** 20 September 2006 19:41  
**To:** Cooke, Lesley  
**Subject:** Re: 06/01715 Red Lion Inn, Knapton

Dear Ms Cooke

I spoke this evening to my near neighbour [REDACTED] who told me of your meeting today. In the light of what [REDACTED] told me, I thought that it might be relevant to copy to you, as follows, my response to the planning application, submitted to the Planning Department on 19 September.

*I have consulted the planning application relating to the above property. I am a near neighbour, and I have a few comments, as follows.*

*I have a concern about noise and environmental nuisance, and I would like to be clear that the new extended kitchen has facilities which will cause no disturbance to neighbours in terms of both noise and fumes/cooking odours: that is to say, that extractor fans and other equipment are not noisy and are efficient in dispelling air from the kitchen without causing annoyance to neighbouring properties.*

I share Jim's concern over potential use of the flat roofed area at the rear of the pub: this platform will overlook gardens and will cause noise to be broadcast to the neighbourhood, so I would be disturbed if it came to be used as an outdoor area for pub customers.

I hope that you will consider these matters in making a decision on the application.

Yours sincerely

[REDACTED]

[REDACTED], Main Street, Knapton, York YO26 6QG

3

**Cooke, Lesley**

---

**From:** [REDACTED]  
**Sent:** 21 September 2006 17:32  
**To:** Beal, Richard  
**Cc:** Cooke, Lesley  
**Subject:** Extension of Red Lion Inn, Main Street, Knapton, York. YO26 6QG

[REDACTED]  
Main Street,  
Knapton,  
York. YO26 6QG  
21 September 2006

Dear Sir, Re Planning application for extension to the Red Lion Your Ref. 06/01715/FUL

With reference to the application to extend the Red Lion Inn at Knapton we would like to voice our concerns on the following points,

1. As house owners very close the noise intrusion from Pub activities i.e. quizzes-music-P.A. system etc. would be greatly increased  
as would the increased traffic pollution.
2. The restricted entrance for entry of more cars and the large delivery vehicles trying to reverse in would greatly increase the noise and  
traffic problems. On street parking would soon become a problem again.
3. The side extension proposed is far too large and overpowering , with increased glazing and lighting spoiling what is now a nice country  
pub in a quiet village.

Yours faithfully,

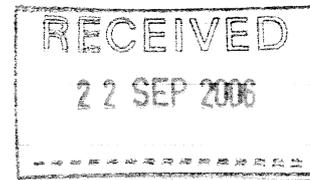
[REDACTED]

4

Main Street  
Knapton  
YORK  
YO26 6QG

Lesley Cook,  
Senior Licensing Officer,  
City of York Council  
9 St Leonards Place,  
York YO1 7ET

20th Sept 2006



Dear Madam,

Red Lion Inn, Knapton - Licensing Alterations

As a Knapton resident for the last 40 years I am somewhat surprised at the scale & extent of alterations now proposed for the public house situated in Main St in this very small village.

My main concerns are:-

1. Deliveries & Associated Delivery Noise

These would increase both for food & drink. The brewery articulated wagons already experience some difficulty in accessing the delivery point from Main St. The delivery point is at the side of the present pub building where the proposed side extension is to be built. This side extension would mean barrels would be dropped on to the ground within 2 or 3 metres of a neighbouring private house & its window. Not a pleasant awakening sound at 06-30 in the morning.

2. Traffic Levels

Increased traffic in this village would possibly lead to "on street" or "on grass verge" parking in the narrow Main St or in the narrower Back Lane.

The Public House car park plans show some 26 car park spaces but, in actual fact, the car park would seem to be full when a number far less than 26 are parked there.

3. Noise.

Present Pop Quiz + Quiz nights cause noise pollution when microphones + speakers are used. Complaints to the licensee reveals that the reason for this is that the doors + windows are open.

4. Light Pollution.

It is thought this will possibly increase

5. The Side Extension.

This extension of 3 metres + of 4.5 metres at its proposed central entrance will be a visual intrusion both to the immediate neighbour + to some of the bungalow residents living on the other side of Main St.

6. The Upper level Area with Flat Roof + Protected Balcony.

Although not designated in the plans there could be a possibility that this area to rear + to side of original building becomes a childrens play area, a drinking / eating area +, when internal "No Smoking" regulations come into force, the balcony also becomes the "outside smoking area". Any human traffic on this balcony would be an invasion of privacy for immediate neighbours + neighbouring gardens.

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE. 26/9/06	LC

Yours sincerely



LESLEY COOKE  
 SENIOR LICENSING OFFICER  
 9 ST. LEONARDS PLACE  
 YORK YO1 7ET

[REDACTED] (S)  
 [REDACTED]  
 KNAPTON  
 YORK YO26 6QG

## RE-LICENSING OF RED LION INN KNAPTON

Dear Madame,

As owners and occupiers of the property adjacent to the above premises we would like to express our concerns regarding the re-licensing

1. The intended approach of the premises to within 4.7m of our boundary and within 6m of the principal window of our house.

From a situation of having a blank cellar wall facing our window some 9m away we would have a lounge bar some 6m away. The glazing in the construction offering a reduced sound insulation.

The following points drastically increase the noise nuisance to our house:

An expected increase in traffic

Traffic nearer our house

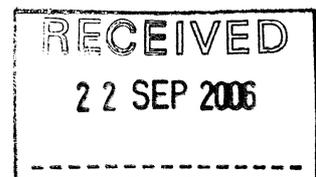
Expected increase of customers

Entry and departure 7m nearer our house

Increased pop quizzes - music (already a problem)

A new P.A system

Yaxis - Deliveries



2. A large balcony (approx  $85m^2$ ) is proposed at first floor level with a balustraded perimeter 7 m from our window in an overlooking position. This could be a play area or as feared an intended smoking/drinking area following the impending non-smoking ban, we believe the license although restricting point of sale allows consumption anywhere on the premises.
- 3 All traffic from Main St to the car park would pass closer to our house by 4-3m and the volume of traffic is planned to increase. On street parking could occur if car park is full.
4. There is some confusion in the presentation of information regarding beer deliveries!
  - a) If deliveries are made via the rear car park as shown on Dwg 05 (not available to licensing officer this could be acceptable
  - b) If deliveries are via restricted side entrance Dwg 10 by a reversing manoeuvre the large vehicle would be within 1 m of our boundary wall and 2-3m from our window. The vibration and disturbance caused by the dropping of barrels would be unacceptable

Note On the planning application form Ques. 15 the response applies to neither of the above situations!

Ques 16(b) why is N/A applied

The proposed extension of the Red Lion from "village inn" to "town style pub" is completely out of place in our quiet village. Most of all the increased noise and disturbance by pub activities so near to our window and the overlooking proposed balcony affecting ourselves and neighbours would not be acceptable.

Yours sincerely

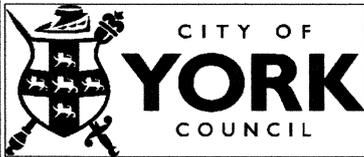


CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE	26/9/06 LC

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

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9, St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# THE RED LION, KNAPTON

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 26/9/2006  
 Drawing No.

**RLK1A**

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**MANDATORY 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.

**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).

**MANDATORY CONDITION: DOOR SUPERVISION**

- (1) In accordance with section 21 of the Licensing Act 2003, 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 be licensed by the Security Industry Authority.
- (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
  - (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.

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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; s34 application to vary premises licence; s35 determination of application under section 34; s36 supplementary provision about determinations under section 35; and ss19, 20 and 21 mandatory conditions.
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: Paragraphs 5.47 Steps to promote the licensing objectives; 13.25 to 13.29 Variations of new premises licences.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
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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