

## Licensing/Gambling Hearing

**To:** Councillors Wiseman, Reid and Horton  
**Date:** Thursday, 30 August 2007  
**Time:** 10.00 am  
**Venue:** The Guildhall

### 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 2 & 4 to Agenda Item 5 as provided by the Data Protection Act 1998.

**5. The Determination of an Application by City of York Council; Learning, Culture & Children's Services Directorate for a Premises Licence [Section 18(3)(a)] in respect of Applefields School, Bad Bargain Lane, Burnholme, York, YO31 0LW (CYC-013192)**

**If you require any further information, please contact Tracy Wallis on Tel 01904 551027 or Fax 01904 551035 or email [tracy.wallis@york.gov.uk](mailto:tracy.wallis@york.gov.uk)**

**Distribution:**

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



## **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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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.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

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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- 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

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**Licensing Act 2003 Sub Committee****30 August 2007**

Report of the Director of Neighbourhood Services

**Section 18(3)(a) Application for a premise licence for Applefields School, Bad Bargain Lane, Burnholme, York, YO31 0LW****Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-013192.
3. Name of applicant: CYC Learning, Culture and Children's Services Directorate
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The nature of the application is to provide regulated entertainment consisting of plays, films, indoor sporting events, live music, recorded music and performance of dance and the provision of entertainment facilities for making music and dancing, Monday to Sunday 08:00 hours to 23:00 hours.

**Background**

6. A copy of the application is attached at Annex 1.

**Promotion Of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General: All functions are fully supervised by school staff, governors and/or other community groups.
9. The prevention of crime and disorder: Occasional school events will be supervised by school staff. Appropriate staffing will be in place for community events.
10. Public Safety: Suitable health and fire risk assessments have been carried out.

11. The prevention of public nuisance: All live regulated entertainment will cease at 23:00hours.
12. The protection of children from harm: The establishment is an environment designed for the safe accommodation of children. Clear guidelines and procedures are in place to ensure the protection of children.

### **Special Policy Consideration**

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

### **Consultation**

14. 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.
15. All procedural aspects of this application have been complied with.

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

16. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety asking for the following occupancy figures to be attached as a condition to the premises licence: the occupancy for the school hall should not exceed 240 standing or 120 seated. The representation was subsequently withdrawn after the applicant agreed to the condition.

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

17. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
18. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which representations were received is attached at Annex 5.
19. 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.
20. 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.

### **Planning Issues**

21. There are no planning issues or conditions in relation to these premises.

### **Options**

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

### **Analysis**

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

### **Corporate Priorities**

32. 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.
33. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

## Implications

34.

- **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

35. 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.
36. 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

37. Members determine the application.

**Contact Details**

**Author:**  
**Author:**  
John Lacy  
Acting Licence Manager  
Licensing & Regulation

**Chief Officer Responsible for the report:**  
**Chief Officer responsible for the report:**  
Andy Hudson  
Assistant Director  
Neighbourhood Services

Ext: 1593

Ext: 1814

**Report Approved**  **Date** 20 August 2007

**Specialist Implications Officer(s)**  
Suzan Hemingway  
Head of Legal & Democratic Legal Services

Ext: 1004

**Wards Affected:** Heworth

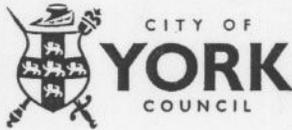
**For further information please contact the author of the report**

**Background Papers:**

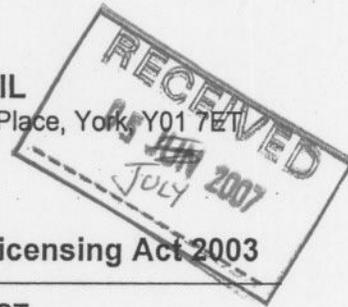
- Annex 1** - Copy of the application form
- Annex 2 (Confidential)** - Details of Interested Parties
- Annex 3** - Copies of representations from Interested Parties
- Annex 4 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 5** - Map showing general area from which representation received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations including Note for Members

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013192



CITY OF YORK COUNCIL  
Licensing & Regulatory Services, 9 St Leonards Place, York, YO1 7ET



**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.

We, Learning, Culture and Children's Services Directorate, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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 APPLEFIELDS SCHOOL BAD BARGAIN LANE BURNHOUSE	
Post town YORK	Post code YO31 0LW
Telephone number of premises (if any)	01904 553900
Non domestic rateable value of premises	£

**Part 2 – Applicant Details**

Please state whether you are applying for the licence as:

- Please tick ✓
- a) an individual or individuals\*  please complete section (A)
  - b) a person other than an individual\*
    - i. as a limited company  please complete section (B)
    - ii. as a partnership  please complete section (B)
    - iii. as an unincorporated association or  please complete section (B)
    - iv. other  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  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:

Please tick ✓

- 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
  - o Statutory function; or
  - o 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

I am 18 years old or over

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

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

Surname  First names

Please tick  yes

I am 18 years old or over

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

(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 nature (other than a body corporate), please give the name and address of each party concerned.

Name	GEORGE GILMORE, HEAD TEACHER
Address	APPLEFIELDS SCHOOL BAD BARGAIN LANE BURN HOLME YORK NORTH YORKSHIRE YO31 0LW
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	School – Education Establishment, City of York
Telephone number (if any)	01904 553900
E-mail address (optional)	info@applefields.york.sch.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
04	06	2007

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

Day	Month	Year

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

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

A SPECIAL SCHOOL SITUATED IN THE CITY OF YORK ACCOMMODATING 150 PUPILS AND 80 STAFF WITH PROVISION FOR COMMUNITY USE OUTSIDE OF NORMAL SCHOOL HOURS.

What licensable activities do you intend to carry on from the premises?  
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 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 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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	0800	2300	Please give further details here (please read guidance note 3)  Performance of plays by school groups, community groups and professional companies.	Both	✓
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for performing play (please read guidance note 4)  Occasional		
Thur	0800	2300			
Fri	0800	2300	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 (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

## B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	0800	2300	Please give further details here (please read guidance note 3)  Viewing of films by school and community groups	Both	
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for the exhibition of films (please read guidance note 4)  Occasional		
Thur	0800	2300			
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)  Presentation of indoor sporting events such as 5 a-side football, badminton, gymnastics and table tennis.
Day	Start	Finish	
Mon	0800	2300	State any seasonal variations for indoor sporting events (please read guidance note 4)  Occasional
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Fri	0800	2300	
Sat	0800	2300	
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sun	0800	2300	

**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)			
Day	Start	Finish	Indoors			
			Outdoors			
			Both			
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed					State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)	
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)			

## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	0800	2300	Please give further details here (please read guidance note 3)  Presentation of musicals, school concerts and recitals by school groups, community groups and professional companies.		
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for the performance of live music (please read guidance note 4)  Occasional		
Thur	0800	2300			
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	0800	2300	Please give further details here (please read guidance note 3)  School discos, ceillidhs, community events and parent/governor charity events		
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for the playing of recorded music (please read guidance note 4)  Occasional		
Thur	0800	2300			
Fri	0800	2300	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. (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

**G**

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	0800	2300	Please give further details here (please read guidance note 3)  Presentation of School productions and dance events by school groups, community groups and professional companies.	Both	✓
Tue	0800	2300			
Wed	0800	2300		State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur	0800	2300		Occasional	
Fri	0800	2300		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 5)	
Sat	0800	2300			
Sun	0800	2300			

**H**

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

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			A range of music making facilities will be provided by the school		
			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	Please give further details here (please read guidance note 3)		
Mon	0800	2300			
			Music workshops		
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	0800	2300	Occasional		
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		
			Indoors		
			Outdoors		
			Both	✓	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	0800	2300			
			Dance and drama workshops		
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	0800	2300	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri	0800	2300			
Sat	0800	2300			
Sun	0800	2300			

**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)			Please give a description of the type of entertainment facility you will be providing			
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)			
Thur						
Fri			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)			
Sat						
Sun						

**L**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish				
Mon	1800	2230	Please give further details here (please read guidance note 3) <b>PROVISION OF REFRESHMENTS TO INVITED MEMBERS OF THE PUBLIC ATTENDING EVENTS.</b>			
Tue	1800	2230				
Wed	1800	2230	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) <b>OCCASIONAL EVENTS</b>			
Thur	1800	2230				
Fri	1800	2230	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)			
Sat	1800	2230				
Sun	1800	2230				

\* Times licence not required

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	1800	2230	State any seasonal variations for the supply of alcohol (please read guidance note 4)  OCCASIONAL EVENTS MEMBERS OF THE PUBLIC WOULD ONLY ATTEND FUNCTIONS BY INVITATION / PRIOR ARRANGEMENT.		
Tue	1800	2230			
Wed	1800	2230			
Thur	1800	2230			
Fri	1800	2230			
Sat	1800	2230			
Sun	1800	2230			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name: GEORGE GUNDOLE

Address: HEAD TEACHER, ASPENHILL SCHOOL, BAD BALEYON LANE, BURNINGHAM, YORK, YO3 0LW

Postcode: YO3 0LW

Personal licence number (if known):

Issuing licensing authority (if known):

Amended...  
John...  
needed

**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**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish	Occasional events. Members of the public would only attend functions by invitation/prior arrangement.	
Mon	0800	0000		
Tue	0800	0000		
Wed	0800	0000		
Thur	0800	0000		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. (please read guidance note 5)
Fri	0800	0000		
Sat	0800	0000		
Sun	0800	0000		
			None	

**P**

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 9)**

All functions are fully supervised by school staff, governors and/or community groups.

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

Occasional school events will be supervised by school staff. Appropriate staffing will be in place for community events.

**c) Public safety**

Suitable health & safety and fire risk assessments have been carried out.

**d) The prevention of public nuisance**

All live regulated entertainment will cease at 2300.

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

The establishment is an environment designed for the safe accommodation of children. Clear guidelines and procedures are in place to ensure the protection of children.

- |  |               |                                     |
|--|---------------|-------------------------------------|
|  | Please tick ✓ | Yes                                 |
| • I have made or enclosed payment of the fee   |               | <input type="checkbox"/>            |
| • I have enclosed the plan of the premises   |               | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable   |               | <input checked="" type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable |               | <input type="checkbox"/>            |
| • I understand that I must now advertise my application  |               | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected             |               | <input checked="" type="checkbox"/> |

**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 4 – Signatures** (please read guidance note 10)

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

Signature ..... *[Handwritten Signature]* .....

Date ..... *25/5/2007* .....

Capacity ..... *HEADTEACHER, APPLEFIELDS SCHOOL* .....

**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 12). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity .....

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Colin Jackson  
Arts & Culture Service  
Mill House  
North Street

Post town: York

Post code: YO23 2QH

Telephone number (if any): 01904 554664

If you would prefer us to correspond with you by e-mail, your e-mail address (optional):  
Colin.jaclson@york.gov.uk

## Notes for guidance

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

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

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1

PLANNING  
 02 AUG 2007  
 DESIGN

[Redacted]  
 Meadlands  
 Appletree Village  
 York  
 [Redacted]

30<sup>th</sup> July 2007

Dear Sir/Madam

Reference: - Notice of Application for a Premises Licence – Applefields School, Bad Bargain Lane

We would like to make an objection to the above premises licence application on the following public nuisance grounds:-

1. The school is in very close proximity to a number of residential dwellings who suffer continuous noise daily from the 11 to 19 year old pupils. We accept, reluctantly, that there will be some daytime noise, but we do not expect to hear any noise on an evening.
2. The play area is adjacent to our boundaries.
3. A certain amount of respect has been shown over the years from our point of view. We have not used any form of motorised garden equipment during school hours as we realize that this would upset the pupils and spoil their playtimes.
4. Just before the Summer holidays they had a disco at the school one evening, and we were unable to sit in our back garden as the music was so loud. We could even hear the thudding of the music inside the house. We thought this was a one off event and did not complain.
5. We feel that any other individuals or parties using the school would have no concern at all for neighbouring properties.

We would therefore ask that you please consider these points when processing this application.

Yours faithfully

[Redacted Signature]  
 [Redacted Name]  
 [Redacted Address]

CITY OF YORK COUNCIL  
 APPLICATION ACKNOWLEDGED  
 DATE 02/08/07 [Signature]

2

PLANNING  
~~31 JUL 2007~~  
DESIGN

PLANNING  
03 AUG 2007  
DESIGN

[Redacted]  
Meadlands  
Appletree Village  
York  
[Redacted]

Dear Sir/Madam

Re: Notice of Application for a Premises Licence – Applefields School.

We would like to make an objection to the above based on the following:

- (a) The school is extremely close to our rear garden and the noise during the school lunchtime is such that we cannot use our garden. We feel it is not unreasonable to want to use your own garden after work in the evening.
- (b) This is a residential area with elderly residents who will suffer noise in the evenings as a result of the functions encompassed within the licence terms.
- (c) Another concern is attracting more youths to the area. We have already had problems in Meadlands and this has been reported to Applefields school, Burnholme school and the police.

CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE	06/08 [Signature]

Thank you for your attention in this matter

Yours faithfully

[Redacted]  
M. D. & V. Murray

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

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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 (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.

### **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; 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: Section 2 The Licensing Objectives and Paragraph 8.28 Steps to promote the licensing objectives.
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.

## **NOTE FOR MEMBERS**

**Extracts from Revised Guidance issued under section 182 of the Licensing Act 2003 (in force 28 June 2007). The following amendments to paragraphs in the Guidance may have relevance at a hearing to determine an application for the grant, variation or review of a premises licence or club premises certificate.**

### **Related Legislation and Strategies**

1.26 Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and a public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or (once the smoking ban comes into force) in a smoking shelter, where and to the extent that these matters are within their control.

1.27 In addition, when considering a new premises licence or following reviews that have identified problems with a particular premises, licensing authorities may consider imposing conditions as appropriate, such as preventing customers from taking open containers outside the premises or installing CCTV. However, any conditions imposed must not be aspirational and must be within the control of the licensee. For example, a condition may require a premises to adopt a particular dispersal policy, but a licensee cannot force customers to abide by it.

### **Hours of Trading**

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.

10.20 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.21 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.