

## **Licensing Hearing**

**To:** Councillors Funnell, Sue Galloway and Moore

**Date:** Thursday, 3 July 2008

**Time:** 10.00 am

**Venue:** The Guildhall

**Please note that the main entrance to the Guildhall will be closed on Thursday 3 July 2008. Please follow the signs to the alternative entrance at the rear of Bank's Music Shop.**

### **A G E N D A**

**1. Chair**

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

**2. Introductions**

**3. Declarations of Interest**

At this point 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 Mr. Murat Bulut to Vary A Premises Licence Section 35(3)(a) in respect of Salt N' Pepper, 19 Tanner Row, York, YO1 6JB( CYC-010826).**

**If you require any further information, please contact Laura Bootland on Tel 01904 552062 or Fax 01904 551035 or email [laura.bootland@york.gov.uk](mailto:laura.bootland@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. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

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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اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

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- Applicant
- Representors & the relevant Responsible Authorities

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**Licensing Act 2003 Sub Committee****3 July 2008**

Report of the Director of Neighbourhood Services

**Section 35(3)(a) Application for the Variation of a premise licence for Salt N' Peppers, 19 Tanner Row, York, YO1 6JB****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-10826.
3. Name of applicant: Mr Murat Bulut.
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is to extend existing hours for provision of late night refreshment. Monday to Sunday until 05:00 hours.
6. The existing hours for the provision of late night refreshment are Monday to Saturday until 04:00 hours and Sunday until 03:30 hours.

**Background**

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

**Promotion Of Licensing Objectives**

9. The applicants do not propose any additional measures to promote the licensing objectives in their varied operating schedule other than those stipulated on their existing licence.

**Special Policy Consideration**

10. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area

has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The special policy was approved by the licensing committee on 1 April 2005 and considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 7.

### **Consultation**

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

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

13. No representations were received from responsible authorities.

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

14. A representation has been received from the interested party listed at Annex 3 (confidential). This representation is attached at Annex 4.
15. The address of the interested party is indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which the representation was received is attached at Annex 6. 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.
16. 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**

17. Planning hours of use are conditioned as; Monday to Sunday 07:00 hours to 03:30 hours.

### **Options**

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

20. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
21. 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.
22. Option 4: Reject the application.

### **Analysis**

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

### **Corporate Priorities**

28. 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.
29. 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**

30.
  - **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**

31. 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.
32. 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**

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

**Contact Details**

**Author:**

John Lacy  
Acting Licence Manager  
Licensing & Regulation

Ext: 1593

**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
Neighbourhood Services

Ext: 1814

**Report Approved**



**Date** 16 June 2008

**Specialist Implications Officer(s):**

Quentin Baker  
Head of Legal & Democratic Legal Services

Ext: 1004

**Wards Affected:** Micklegate

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

**Background Papers:**

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application form
- Annex 3 (Confidential)** - Details of Interested Party
- Annex 4** - Copy of representation from Interested Party
- Annex 5 (Confidential)** - Map of area indicating address of Interested Party
- Annex 6** - Map showing general area from which representations received
- Annex 7** - Copy of City Centre Special Policy Statement
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations

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**ANNEX 1****LICENSING ACT 2003****PREMISES LICENCE****Schedule 12****Part A****Part 1 Premises details**

Premises licence number CYC - 010826
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Postal address of premises:

**19 Tanner Row**Post town: **York**Post code: **YO1 6JB**

Telephone number: 01904 655665

**Expiry date:** This licence has no expiry date.**Licensable activities authorised by the licence:**

Late Night Refreshment

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

Indoors

Monday  
23:00-04:00Tuesday  
23:00-04:00Wednesday  
23:00-04:00Thursday  
23:00-04:00Friday  
23:00-04:00Saturday  
23:00-04:00Sunday  
23:00-03:30

**The Opening Hours of the Premises**

Monday 16:00-04:00	Tuesday 16:00-04:00	Wednesday 16:00-04:00	Thursday 16:00-04:00
Friday 16:00-04:00	Saturday 16:00-04:00	Sunday 16:00-03:30	

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

No Supply of Alcohol authorised

**Part 2**

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

Name: Mr Murat Bulut

Address: 19 Tanner Row  
York  
YO1 6JB

Telephone number: 07825 568854

Email address: muratbulut909@hotmail.com

**Annex 1 – Mandatory conditions**

**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.

## **Annex 2 – Conditions consistent with the operating schedule**

None

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

1. The opening hours shall be 23:00 hours to 04:00 hours Monday to Sunday and 23:00 hours Sunday to 03:30 hours Monday.
2. The premises shall be closed and vacated of customers by 04:00 hours Tuesday to Sunday and 03:30 hours Monday.
3. Door supervision shall be provided on site from 23:00 hours to 04:00 hours Monday to Sunday and 23:00 hours Sunday to 03:30 hours on Monday.
4. The licence holder shall join the York Pubwatch/pager scheme.
5. CCTV shall be installed, maintained and in operation during opening hours on each and every day.
6. There shall be a litter pick up in the nearby vicinity of the premises on each and every day.
7. A member of staff shall be identifiable as Duty Manager on each and every day.

For and on behalf of  
The Director of Neighbourhood Services

Date: 09/09/2005  
12/03/2008 (Transfer)

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

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)

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CITY OF YORK COUNCIL  
Licensing Services, 9 St Leonard's Place, York, YO1 7ET

12 MAY 2008

application  
Fee ANNEX 2

RECEIVED

12 MAY 2008

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 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 Murat Bulut (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

CYC 010 826

Part 1 – Premises Details

Postal address of premises or, if none, ordinance survey map reference or description

19 Tanner Row

Post town

York

Post code

YO1 6JB

Telephone number of premises (if any)

01904 655 665

Non domestic rateable value of premises

£ 13,000

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

Murat BULUT909@hotmail.com

Mr

☒

Mrs

☐

Miss

☐

Ms

☐

Other title  
(for example, Rev)

☐

Surname

Bulut

First names

Murat

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 when do you want the variation to take effect  
from?

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

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

Please describe briefly the nature of the proposed variation (please read guidance note 1)

change of hours



## Part 4 - Operating Schedule

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

Please tick ✓ yes

### Provision of regulated entertainment

- |    |   |                          |
|----|---|--------------------------|
| a) | play (if ticking yes, fill in box A)  | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B)   | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E)  | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/> |
| g) | performance of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

### Provision of entertainment facilities for:

- |    |   |                          |
|----|---|--------------------------|
| i) | making music (if ticking yes, fill in box I)  | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J)   | <input type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/> |

**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>	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
<b>Mon</b>				<b>Both</b>	
<b>Tue</b>					
<b>Wed</b>					
<b>Thur</b>					
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
<b>Mon</b>				<b>Both</b>	
<b>Tue</b>					
<b>Wed</b>					
<b>Thur</b>					
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					



**C**

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

**D**

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

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

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



**G**

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

I

<b>Provision of facilities for making music</b> Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing				
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>	Indoors		Outdoors
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 provision of facilities for making music (please read guidance note 4)				
Thur							
Fri			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							
Sun							

J

<b>Provision of facilities for dancing</b> 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)				
			<table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>	Indoors		Outdoors	
Indoors							
Outdoors							
Both							
Day	Start	Finish					
Mon			Please give further details here (please read guidance note 3)				
Tue							
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)				
Thur							
Fri			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)				
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)			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	Please give further details here (please read guidance note 3)		
Mon					
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					
Sat			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)		
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
Mon	11:00	5am				
Tue	11:00	5am				
Wed	11:00	5am	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur	11:00	5am				
Fri	11:00	5am				
Sat	11:00	5am	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)  Start is 11pm, close is early hours of following day.			
Sun	11:00	5am				

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)</b>	<b>On the premises</b>	
				<b>Off the premises</b>	
				<b>Both</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)		
<b>Mon</b>					
<b>Tue</b>					
<b>Wed</b>					
<b>Thur</b>					
<b>Fri</b>			<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)		
<b>Sat</b>					
<b>Sun</b>					

**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	
Mon	11.00	AM	RNI - phoned to check. They mean 11.A.M. opening
		Sam	
Tue	11.00		
		Sam	
Wed	11.00		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)
		Sam	
Thur	11.00		
		Sam	
Fri	11.00		
		Sam	
Sat	11.00		
		Sam	
Sun	11.00		
		Sam	

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

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

Please tick ☒ yes



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 the premises licence



**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)

no additional steps. Current provisions will extend to the new hours.

b) The prevention of crime and disorder

11

c) Public safety

11

d) The prevention of public nuisance

11

e) The protection of children from harm

11



- 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.** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature ..... 

Date .....

Capacity ..... 07/05/08 ..... Manager

**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</b> (please read guidance note 13)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

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

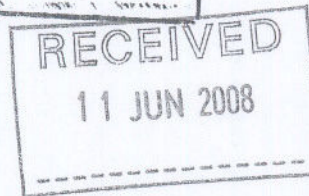
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CITY OF YORK	
APPLICATION ACKNOWLEDGED	
DATE	11/06/08

Tanner Row  
York



Janice Cockerill  
City of York Council  
Licensing and Regulatory Services  
9 St Leonards Place  
York  
YO1 7ET

REF: Salt and Peppers application

10/06/2008

Dear Sir/Madam,

I am writing with reference to the application by Salt and Peppers to increase their opening hours to 5.00am.

I am objecting to the application as it directly affects the residents of The Old Rectory and other properties nearby.

There are large, noisy groups of very drunk people gathered outside the premises eating take away food until after 4.30am on a regular basis. This would obviously increase to beyond 5.30am if the extension was permitted.

When would the street cleaners be able to sweep up the masses of litter left after people have left the area at 5.30am?

The area outside the premises is a "hotspot" for fighting and rowdy, drunken behaviour and the noise from this impacts on the local residents.

The police are never in the vicinity when the shouting and screaming is going on until nearly daylight.

The people leaving the premises inevitably walk past my house chanting, shouting and singing and drop their "takeaway litter" in the road outside the house.

The area outside S&P's is left in a disgusting, filthy state and this is left for the Council to clean up – there are no litter bins provided and the only place to put the leftovers and empty boxes is on the streets! This has led to a dramatic increase in the rat and pigeon population in this area.

**There are no toilet facilities on the premises** and this is why their customers have to find somewhere to relieve themselves. This is usually a steady procession of males and females to the alleyway next to the Corner Pin or next to Flares – the whole area is like one smelly, filthy, disgusting toilet with rubbish strewn everywhere!

When the people working at these "late night" establishments are tucked up in bed the majority of people are having to get up and go to work! Not easy if you have only had a couple of hours sleep because of the noise outside Salt and Peppers.

I must try and preserve my "quality of life" and therefore submit my objection.

Yours Sincerely,

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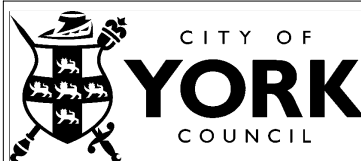
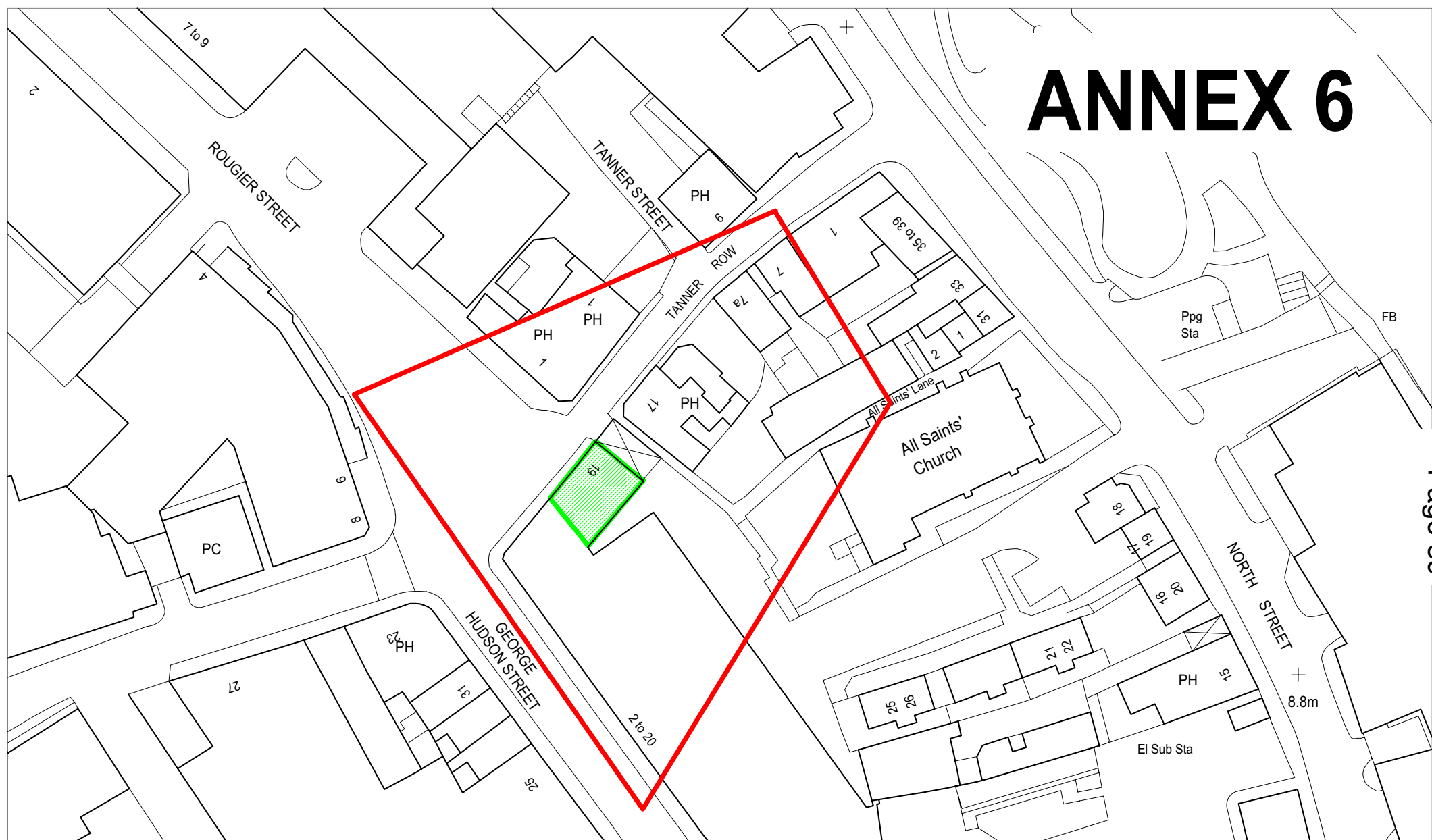
By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# ANNEX 6



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

## SALT & PEPPER, 19 TANNER ROW

SCALE: 1:750  
Originating Group:

DRAWN BY: PSL  
Project

DATE: 8/11/2006  
Drawing No.

SPTR1A



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### **6.3 CITY CENTRE SPECIAL POLICY STATEMENT**

This Special Policy was approved by the City of York on 12 April 2005 and shall have effect until 6 January 2011 unless otherwise reviewed by the Council.

This Special Policy is a supplement to the Council's Statement of Licensing Policy and must be read in conjunction with that document.

This Special Policy relates to the following streets:

Micklegate, Toft Green, Tanner Row, Rougier Street, George Hudson Street, Bridge Street, Low Ousegate, Clifford Street, Tower Street, Tanner Moat, Wellington Row, North Street, Cumberland Street, King Street, Lower Friargate, Kings Staith, Peckitt Street, Blossom Street (to Holgate Road) and The Crescent (see Appendix K, Map of Special Policy Area).

This area has been identified as requiring additional licensing controls to promote the licensing objectives due to the cumulative effect of the concentration of late night drink led, refreshment and entertainment premises on crime, disorder and/or public nuisance affecting residents, visitors and other businesses.

A statistical, evidence based report was submitted by North Yorkshire Police to substantiate this statement and was considered by the City of York Council in approving this policy.

Consultation on the Special Policy was carried out in accordance with Section 5(3) of the Licensing Act 2003.

#### **Effects of the Special Policy**

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
2. Each application will be considered on its own merits.
3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
4. Applications for the grant of a new premises licence or club premises certificate or provisional statement :

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation :

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

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

### **MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **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.

**PROHIBITION CONDITIONS: PLAYS**

- (1) In relation to a premises licence which authorises the performance of plays, no conditions may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- (2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

**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: Chapter 2 the Licensing Objectives and Paragraphs 5.47 Steps to promote the licensing objectives; and 8.33 Variations.
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 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.