

Licensing Hearing

To: Councillors Horton, Hyman and Moore
Date: Thursday, 17 July 2008
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 5 & 7 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by Mr T Tunstall & Mr M Tunstall for a Variation to a Premises Licence [Section 35(3)(a)] in respect of Stonebow Snooker Club (The Duchess), Stonebow House, The Stonebow, York, YO1 7NP (CYC-009129)

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

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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- Applicant
- Representors & the relevant Responsible Authorities

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Licensing Act 2003 Sub Committee**17 July 2008**

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for Stonebow Snooker Club (The Duchess), Stonebow House, The Stonebow, York, YO1 7NP**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-009129
3. Name of applicant: Mr T Tunstall & Mr M Tunstall
4. Type of authorisation applied for: Variation of premise licence
5. Summary of application: The nature of the application is to extend the existing hours for the supply of alcohol and to provide regulated entertainment and late night refreshment and to amend the existing internal layout as the applicant proposes to increase toilet provision and provide additional escape doors.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.
8. A table listing the existing hours of operation and proposed hours of operation is attached at Annex 3.

Promotion Of Licensing Objectives

9. The operating schedule submitted by the applicant shows that, in addition to existing conditions attached to the current licence, the licensing objectives would be met as follows:
10. The prevention of crime and disorder: 1) CCTV with a minimum 7 day recording, with access for authorities. 2) SIA registered door staff to adequate level. 3) Early warning system. 4) Warning and advice signs. 5) Supervision

of premises. 6) Co-operation with police and council. 7) No alcohol to be consumed outside premise. 8) No off sales.

11. Public safety: 1) Queue management and barriers when needed. 2) Fire safety risk assessments are in place.
12. The prevention of public nuisance: 1) Patrols requesting patrons not to litter or made excessive noise. 2) Doorstaff supervision will be provided until patrons disperse.
13. The protection of children from harm: 1) Adequate supervision. 2) 14 year olds will only be admitted when supervision by over 18 year old. 3) Under 18s must vacate the premise when live music finishes.

Special Policy Consideration

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

Consultation

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

Summary of Representations made by Responsible Authorities

17. A representation has been received from North Yorkshire Fire and Rescue Service on the grounds of public safety. A copy of the representation is attached at Annex 4.
18. A representation was also received from the Environmental Protection Unit on the grounds of public nuisance but was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence;
 - 1) A staff policy will be put in place to monitor sound levels that may emit from the premises. The policy will require staff to monitor noise levels from the premises at the nearest residential properties to ensure music and other activities are inaudible. Records will be kept on the premises detailing times and dates of when monitoring was carried out.
 - 2) All doors at the rear of the premises shall be kept closed when music is playing.

Summary of Representations made by Interested Parties

19. Representations have been received from the interested parties listed at Annex 5 (confidential). Their representations are attached at Annex 6.
20. The addresses of the interested parties are indicated on the map attached as Annex 7 (confidential). A further map indicating the general area from which representations were received is attached at Annex 8. 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.
21. 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.
22. The Head of Licensing, in consultation with the Assistant Director of Neighbours & Community Safety, has considered the relevance of certain comments made by two separate legal representatives of a business in the vicinity. Those comments were deemed not to be relevant representations. A copy of the correspondence is attached at Annex 9 for members’ background information.

Planning Issues

23. The premise currently has D2 planning use and can therefore be used as a concert hall. Applications have been submitted for change of use and structural alterations.

Options

24. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
25. Option 1: Grant the variation of the licence in the terms applied for.
26. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee. Members are reminded that the licensing authority should only impose conditions on a premise licence which are necessary and proportionate for the promotion of the licensing objectives. If other law exists it is not necessary to duplicate those legal requirements. Additional or supplementary measures maybe considered that are necessary to promote the licensing objectives.
27. 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.
28. Option 4: Reject the application.

Analysis

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

Corporate Priorities

34. 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.
35. 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

36.
 - **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

37. 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.
38. 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

39. 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

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Ext: 1593

Ext: 1814

Report Approved

Date 07/07/2008

Specialist Implications Officer(s):

Quentin Baker
Head of Legal & Democratic Legal Services
Ext: 1004

Wards Affected: Guildhall

All

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** - Table of existing and proposed hours
- Annex 4** - Copies of representations from Responsible Authorities
- Annex 5 (Confidential)** - List of Interested Parties
- Annex 6** - Copies of representations from Interested Parties
- Annex 7 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 8** - Map showing general area from which representations received
- Annex 9** - Representation deemed not relevant.
- Annex 10** - Mandatory Conditions
- Annex 11** - Legislation and Policy Considerations

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MISSION

ANNEX 1

-2 JUN 2008



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

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 T TUNSTALL AND M TUNSTALL (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-009129

Part 1 - Premises Details

Postal address of premises or, if none, ordinance survey map reference or description <u>STONEROW SMOKER CLUB, STONEROW HOUSE, THE STONEROW</u>	
Post town <u>YORK</u>	Post code <u>YO1 7NP</u>

Telephone number of premises (if any)

01904 641413

Non domestic rateable value of premises

£ 15000

Part 2 - Applicant Details

Daytime contact telephone number

01904 641413

Email address (optional)

ttm@theduchessyork.co.uk

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

TUNSTALL

First names

THOMAS OR MATTHEW

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
27	06	2008

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)

PROVIDING A CORE BUSINESS OF LIVE MUSIC AND DANCING, AND LATE NIGHT REFRESHMENT FOR THE GENERAL PUBLIC.

REMOVE ALL EMBEDDED RESTRICTIONS

INTERNAL STRUCTURAL ADAPTATIONS AS DETAILS ON ENCLOSED PLAN

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)
- 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			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
Thur					
Fri			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					
Sun					

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			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			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)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
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						

E

Live music 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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11AM 12AM	1AM 2AM	Please give further details here (please read guidance note 3) LIVE MUSIC WILL BE AMPLIFIED	Both	
Tue	11AM	1AM			
Wed	11AM	1AM	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11AM	1AM			
Fri	11AM	1AM	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) EXTRA HOUR FOR BST CHANGE NY EVE TO NY DAY		
Sat	11AM	1AM			
Sun	11AM	1AM			

F

Recorded music 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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11AM	3AM	Please give further details here (please read guidance note 3)	Both	
Tue	11AM	3AM			
Wed	11AM	3AM	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11AM	3AM			
Fri	11AM	3AM	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) EXTRA HOUR FOR BST CHANGE NY EVE TO NY DAY		
Sat	11AM	3AM			
Sun	11AM	3AM			

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

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		
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11AM	3AM			
Tue	11AM	3AM	State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed	11AM	3AM			
Thur	11AM	3AM	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) EXTRA HOUR BST CHANGE NYEVE TO NYDAY		
Fri	11AM	3AM			
Sat	11AM	3AM			
Sun	11AM	3AM			

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 <i>REPAIRS SPACE FOR BANDS, THE RUBEL WILL NOT BE ATTENDING FOR THIS.</i>								
			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><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish	Please give further details here (please read guidance note 3)								
Mon	11AM	3AM									
Tue	11AM	3AM	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)								
Wed	11AM	3AM									
Thur	11AM	3AM	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)								
Fri	11AM	3AM									
Sat	11AM	3AM	EXTRA HOUR BST CHANGE NY EVE TO NY DAY								
Sun	11AM	3AM									

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)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish	Please give further details here (please read guidance note 3)								
Mon	11AM	3AM									
Tue	11AM	3AM	State any seasonal variations for providing dancing facilities (please read guidance note 4)								
Wed	11AM	3AM									
Thur	11AM	3AM	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	11AM	3AM									
Sat	11AM	3AM	EXTRA HOUR BST CHANGE NY EVE TO NY DAY								
Sun	11AM	3AM									

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing <i>LIVE AND RECORD MUSIC.</i>							
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>									
Outdoors	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon	11AM	3AM								
Tue	11AM	3AM								
Wed	11AM	3AM								
Thur	11AM	3AM								
Fri	11AM	3AM								
Sat	11AM	3AM								
Sun	11AM	3AM	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)							
			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)							
			<i>EXTRA HOUR BST CHANGE</i> <i>NY EVE TO NY DAY</i>							

L

Late night refreshment 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)						
			<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>								
Outdoors	<input type="checkbox"/>								
Both	<input type="checkbox"/>								
Day	Start	Finish	Please give further details here (please read guidance note 3)						
Mon	11PM	3AM							
Tue	11PM	3AM							
Wed	11PM	3AM							
Thur	11PM	3AM							
Fri	11PM	3AM							
Sat	11PM	3AM							
Sun	11PM	3AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)						
			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)						
			<i>EXTRA HOUR BST CHANGE</i> <i>NY EVE TO NY DAY</i>						

M

Supply of alcohol 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	Off the premises	
Day	Start	Finish		Both		
Mon	11AM	2.30AM	State any seasonal variations for providing dancing facilities (please read guidance note 4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Tue	11AM	2.30AM		<input type="checkbox"/>	<input type="checkbox"/>	
Wed	11AM	2.30AM		<input type="checkbox"/>	<input type="checkbox"/>	
Thur	11AM	2.30AM		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)	<input type="checkbox"/>	<input type="checkbox"/>
Fri	11AM	2.30AM			<input type="checkbox"/>	<input type="checkbox"/>
Sat	11AM	2.30AM			<input type="checkbox"/>	<input type="checkbox"/>
Sun	11AM	2.30AM			<input type="checkbox"/>	<input type="checkbox"/>

EXTRA HOUR BST CHANGE
NYEVE TO NY DAY

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)

N/A

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	11AM	3:30AM*	* LAST ENTRY 1:30AM ALCOHOL SERVED TO 2:30AM FOOD SERVED TO 3:00AM PREMISES CLOSED/EMPTY 3:30AM
Tue	11AM	3:30AM	
Wed	11AM	3:30AM	
Thur	11AM	3:30AM	
Fri	11AM	3:30AM	
Sat	11AM	3:30AM	
Sun	11AM	3:30AM	

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

ALL EMBEDDED RESTRICTIONS

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)

CONDUCTING PREMISES IN CLOELY AND PROFESSIONAL MANNER
 ADHERING TO POLICE AND COUNCIL ADVICE
 DRIVING LICENCE, PASSPORT OR P.A.S.S. REQUIRED FOR 18+
 ALL PERSONS 14+ REQUIRED TO HAVE ADULT SUPERVISOR
 UNDER 18s REQUIRED TO LEAVE VENUE WHEN LIVE MUSIC FINISHED

b) The prevention of crime and disorder

CCTV WITH MINIMUM 7-DAY RECORDING AND AUTHORITIES' ACCESS
 SIA-REGISTERED DOOR STAFF TO ADEQUATE LEVEL OPENING TO CLOSE
 EARLY WARNING SYSTEMS / WARNING AND ADVICE SIGNS /
 SUPERVISION OF PREMISES / REQUESTING PATROLS NOT TO UTTER OR
 MAKE EXCESSIVE NOISE (AND SUPERVISION ON EXIT) / CO-OPERATION
 WITH POLICE AND COUNCIL / NO ALCOHOL CONSUMPTION OUTSIDE / NO OFF SALES

c) Public safety

CCTV WITH MINIMUM 7-DAY RECORDING AND AUTHORITIES' ACCESS
 SIA-REGISTERED DOOR STAFF TO ADEQUATE LEVEL OPENING TO CLOSE
 EARLY WARNING SYSTEMS / WARNING AND ADVICE SIGNS / SUPERVISION
 OF PREMISES / REQUESTING PATROLS NOT TO UTTER OR MAKE EXCESSIVE
 NOISE (AND SUPERVISION ON EXIT) / QUEUE MANAGEMENT AND BARRIERS
 WHEN NEEDED / DOOR STAFF SUPERVISION UNTIL PATROLS DISPERSE /
 FIRE RISK ASSESSMENT HAS BEEN DONE

d) The prevention of public nuisance

CCTV WITH MINIMUM 7-DAY RECORDING AND AUTHORITIES' ACCESS
 SIA-REGISTERED DOOR STAFF TO ADEQUATE LEVELS OPENING TO CLOSE
 EARLY WARNING SYSTEMS / WARNING AND ADVICE SIGNS / SUPERVISION
 OF PREMISES / REQUESTING PATROLS NOT TO MAKE EXCESSIVE NOISE OR
 UTTER (AND SUPERVISION ON EXIT) / QUEUE MANAGEMENT AND BARRIERS
 WHEN NEEDED / DOOR STAFF SUPERVISION UNTIL PATROLS DISPERSE / NO ALCOHOL
 CONSUMPTION OUTSIDE / NO OFF SALES

e) The protection of children from harm

ADEQUATE SUPERVISION
 14s WILL ONLY BE ADMITTED WHEN SUPERVISED BY 18+ ADULT
 ALL UNDER 18s MUST VACATE THE PREMISES WHEN LIVE MUSIC
 FINISHED

* PUSASIS 2005 ATTRACTED NEED AN PROMINO RECLUTION,
 ENTRY + EXIT POLICIES, QUEUE MANAGEMENT ETC...

- 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 *T. Tunstall*
 Date 29-4-08
 Capacity PARTNER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd 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 *M J Tunstall*
 Date 29-4-08
 Capacity PARTNER

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
<i>TIM HORNBY 5 OXTON COURT FISHERGATE</i>	
Post town <u>YORK</u>	Post code <u>YO10 4AB</u>
Telephone number (if any) <u>078 666 073 55</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) <u>tim@theduchessyork.co.uk</u>	

The premises

Part of a large city centre building comprising retail, office and public car parking space, the premises are currently a 6800 sq ft snooker club with a 2am liquor licence, the premises having previously provided late night entertainment as well as being a Bier Keller.

It is the applicants wish to provide a core business of live music as well as dancing to recorded music. And the supply of on-sales alcohol only.

Eight CCTV cameras are being installed with a 10-day recording facility and constant monitoring by venue staff. The hard disk will available for inspection by the authorities.

A Fire Risk Assessment Policy is being done by Mr M Harrison of York Fire Ltd, who has also provided a comprehensive plan of fire fighting equipment, signage and staff training.

There is a Health and Safety Policy document covering, amongst other things, general staff responsibilities, hazards, incident management, patron management, and drugs.

A large fire detection and alarm system is being installed to statutory requirements. It has at least sixteen smoke detectors, as well as heat detectors and all required maintained signage and points.

York City Council, The Fire Officer, York Police's Licensing Officer and the building landlord have been consulted at all stages.

Health & Safety Policy Document for The Duchess Live Music Venue
Stonebow House, The Stonebow, York, YO1 7NP

It is the duty of every member of staff to keep a copy of the Health and Safety Policy, to read and familiarise themselves with all duties and procedures

1. General Responsibility
2. First Aid Arrangements
3. Fire Safety
4. Evacuation procedure
5. General rules for contractors and visitors
6. General Rules Concerning Hazards
 - i. Cleanliness
 - ii. Spillages
 - iii. Waste Disposal
 - iv. Safe stacking and Storage
 - v. Marking and keeping exits clear
 - vi. Dangerous Substances
 - vii. Gases and Fluids Stored Under Pressure
 - viii. Manual Handling
 - ix. Noise Levels and Hearing Protection
 - x. Electrical Appliances
7. Incident Procedure
8. Entry Policy
9. Exit Policy
10. Protecting Children From Harm
11. Queue Management
12. CCTV Policy
13. Sexual Harrassment Policy
14. Guidelines for Street Advertising
15. Drug Policy
 - i. Introduction
 - ii. Rights of entry
 - iii. Searching
 - iv. Detaining Persons
 - v. Seizing & Finding Controlled Drugs
 - vi. Making Notes and Keeping Records
 - vii. Designing out Drugs in the Venue
 - viii. Public Safety Issues
 - ix. First Aid and Medical Emergencies
 - x. Staff Training
 - xi. General – Applies to All Staff
 - xii. Section 8 of the Misuse of Drugs Act
 - xiii. Awareness
 - xiv. Basic Drug Facts

Appendix 1. Fire Risk Assessment

Appendix 2. HSE leaflet 'Getting to Grips with Manual Handling'

Appendix 3. HSE leaflet 'Noise at Work'

1. General Responsibility

Overall and final responsibility for Health and Safety in the company is that of Tim Hornsby, DPS.

The person responsible for the policy being carried out at the premises is Tim Hornsby, DPS.

All employees have the responsibility of co-operating with Supervisors and Managers, to achieve a healthy and safe workplace and to take reasonable care of themselves and others. Whenever an employee or Supervisor notices a health and safety problem that they are not able to correct, they must immediately inform Tim Hornsby, DPS.

2. First Aid Arrangements

There is a First Aid Box situated behind each bar. There is at least one first aider present when the premises are open to the public.

The Accident and Incident Record Books are situated in the office.

3. Fire Safety

The fire alarm comprises of audible sirens, visual beacons, break-glass fire alert panels and push-bar fire exit doors.

The fire and intruder alarms and the emergency lighting system are maintained by Emergi-Lite Safety Systems (Thomas & Betts Ltd.) Bruntcliffe Lane, Morley, Leeds, LS27 9LL. Tel: 0113 281 0600

The fire fighting equipment is maintained and the fire safety training is carried out by York Fire Ltd of Equinox House, Clifton Park, Shipton Road, York, YO30 5PA Tel: 01904 704654

York Fire Ltd and the DPS have also carried out a Fire Risk Assessment which can be found as Appendix 1 to this document. This includes details of the specification and location of fire fighting equipment.

All escape routes and emergency lighting is checked by the night manager and the results indicated on the Night Managers Checklist and stored in the Due Diligence File.

The fire extinguishers and the fire alarm is checked weekly by Tim Hornsby – DPS.

All staff undergo the Fire Safety Training, in particular, be shown and be aware of the positions and correct usage of all fire extinguishers on the premises. A record of this training is kept in the Due Diligence File.

4. Evacuation Procedure

In the event of a fire or emergency the following evacuation procedure should be followed, whilst at all times acting calmly and for personal safety:

Night Manager

- Turn on house lights if it is safe to do so
- Call the emergency services
- Assist in safe evacuation of the venue, concentrating on the enclosed areas; toilets, cellars, dressing rooms and office
- Leave by the nearest exit
- Once at the meeting point account for all staff and await the emergency services

Sound Engineer

- Turn off the PA if it is safe to do so
- Leave by the nearest exit

Bar & other staff

- Assist in safe, calm evacuation of the venue
- Leave by the nearest exit

Door staff

- Assist wheelchair users and those requiring assistance
- Leave by the nearest exit

For public display:

In the event of fire:

- Raise the alarm
- Always act for personal safety
- Leave calmly by the nearest marked exit
- Do not stop to collect personal belongings
- If leaving via the front exit assemble in front of Moda Salon on The Stonebow. If leaving via the rear exit assemble at ARC Archaeological Resource Centre on St Saviourgate
- Do not re-enter the building until authorised to do so

5. General rules for Contractors and Visitors

Contractors must be aware of safe work practices especially when members of staff and the public are present. This should be discussed prior to the start of any work that may be undertaken by the Contractor.

Members of staff must ensure that all Contractors have proof of identity on arrival.

The Duchess staff will provide any minor first aid requirements.

The manager on duty will ascertain whether special fire extinguishers or equipment may be necessary due to the nature of the work undertaken by the Contractor.

In the event of an emergency evacuation, the Contractor shall be responsible for their employees.

The Contractor shall be responsible for the waste disposal caused by their work.

The work undertaken by the Contractor must be regularly supervised by staff, to ensure that all Health and Safety guidelines are adhered to by the Contractor.

6. General Rules Concerning Hazards

i. Cleanliness

- Clean surfaces are safer surfaces
- All surfaces in the bar areas are to be cleaned daily
- All floors, and toilets are to be cleaned daily
- Cleaners equipment and materials are stored in the cleaning cupboard

Cleaning utensils used by staff are stored in the cleaning cupboards. Any potential hazard, e.g. spillage must be reported and dealt with immediately.

ii. Spillages

Every effort is made to reduce the danger of customers or staff slipping over in a fluid spillage. Areas where the flooring might become slippery when wet, such as wood, are clearly signed to draw the attention of customers and staff to the potential hazard.

Glass collectors and venue management staff are trained to watch out for spillages throughout the time that the venue is open to the public.

Any fluid spillages, whether in a public or staff area, are cleaned as soon as possible after the spillage is identified and if possible the cleaned areas are also dried down. This may not be possible at busy times or in certain areas.

If there is still damp on the floor surface, a yellow, free-standing 'Wet Surface' warning sign is placed over the hazard until the surface has dried if it is safe and practical to do so.

iii. Waste Disposal

General rubbish and waste is bagged and put out on a daily basis.

Any broken glass is placed in the glass bin.

Food waste and contents of mop buckets are not put down sinks; solids are placed in waste bins and mop buckets are emptied directly into drains in the garage.

iv. Safe Stacking And Storage

Cellars and other storage areas are kept clear of rubbish at all times.

Boxes and beverage cases are stacked sensibly; keeping in mind that other members of staff may need to move them in the future.

Only trained personnel should attempt to lift kegs (see Manual Handling).

Spillages, breakages and leakages are reported immediately (see Cleanliness).

v. Marking And Keeping Exits Clear

Escape routes are kept clear and free from obstructions at all times.

Any unavoidable temporary obstructions are clearly marked.

Any damage to steps and flooring are reported immediately to Tim Hornsby, DPS.

All steps and raised areas are clearly marked with hazard tape.

vi. Dangerous Substances

Manufacturers usage instructions are followed.

Protective gloves, goggles and clothing are used if advised to do so by the instructions e.g. pipe cleaning, and any necessary action to be taken should splashing or spillage occur noted.

vii. Gases And Fluids Stored Under Pressure

Only trained personnel change barrels or gas canisters.

CO2 and all other mixed gas canisters are always stored upright and secured together using the chain in the cellar.

The condition of the replacement canister's valve is checked before connection and after, for leaks. If there is an escape of gas, the area is well ventilated and the incident is reported immediately to the duty manager.

It is the duty of all staff to read, fully understand and follow the instructions and warnings supplied by the brewers that can be found on the cellar walls.

viii. Manual Handling

As lifting and moving heavy and cumbersome loads (such as beer kegs or PA speakers) present a health risk only trained personnel should attempt to lift or move kegs and PA speakers.

The HSE leaflet 'Getting to Grips with Manual Handling' is included as Appendix 2 to this document.

ix. Noise Levels and Hearing Protection

During soundchecks and performances noise levels can exceed 85dB but must not exceed 90dB.

In order to protect the hearing of staff and customers, ear protection in the form of ear plugs are available at all times and signage in place to indicate this. It is recommended that staff use ear protection during soundchecks and performances.

In addition, noise level checks must be made on a weekly basis to ensure noise levels do not exceed 90dB. The results must be recorded in the Due Diligence File.

The HSE leaflet 'Noise At Work' is included as Appendix 2 to this document

x. Electrical Appliances

All electrical appliances have a current dated PAT (Portable Appliance Test) sticker on the mains plug. This indicates that the appliance has been tested and deemed to be safe for use.

If any member of staff finds an appliance not to be working correctly, or appear to be damaged they place a DO NOT USE sign on it and report the fault to Tim Hornsby, DPS.

7. Accidents and Incidents

Both accident and incident books are kept in the office for the full and comprehensive reporting of details.

As many accidents occur following slips and trips the The Duchess has a written policy on the clearing of spillages. PA staff are mindful of any potential trip-hazards from trailing cables and where possible use signage and floor coverings to minimise the risk.

Incident, scuffles, and altercations involving violence, drunkard behaviour and are dealt with and kept to a minimum as outlined in the The Duchess' Door Policy

8. Entry Policy

We have a non-discrimination door policy and do not discriminate on grounds of race, age, gender, sexuality, religion or disability.

Access to the premises will not be allowed to the following persons:

Anyone who cannot provide proof of age

Anyone wearing football colours

Anyone appearing to be under the influence of alcohol/drugs

Anyone found to be in possession of illegal drugs or firearms

Anyone known to be a criminal eg drug dealer

Anyone known to have caused public nuisance, violence or risk to safety on a previous visit to the premises

Anyone whose behaviour before entering the premises causes suspicion or apprehension regarding the future behaviour inside

See also "Exit Policy"; "Protection Of Children From Harm"; "Queue Management" and "The Premises".

9. Exit Policy

For the final twenty minutes of all late events, the DJ will "wind down" with a more relaxed style of music as well as a volume reduction.

The music will finish and the house lights put up. All remaining alcohol will be cleared and the premises thoroughly checked.

At closing time, the door staff will:

Assist in emptying the venue, and at least one will be at the front door making sure people do not take alcohol outside.

Request excessively loud customers to be quieter.

Advise customers to turn left for taxis, takeaways and the city centre. Also, on display, there will be a comprehensive list of taxi numbers.

Offer everybody a lollipop or sweet as this has been proven to effect a 20% reduction in noise.

Clear and sweep the immediate vicinity, leaving it tidy.

The nearest premises of a similar type is Fibbers which operates different closing times and is one hundred yards away and on a different level of the building. Customers leaving our premises will not interfere with them in any way

Any issues relating to the above, or neighbour complaints, will be logged and reported to the manager.

10. Protection of children from harm

The DPS already has considerable and unblemished live music venue experience in York concerning the admittance of under-18s to see live music. He has been a licensee for an unbroken twenty five years, twenty of those in York City Centre for which he has also been Chairman Of York City Centre Licensees. He is fully aware of the police and council requirements.

14s will only be allowed in to the venue when accompanied by an 18+ adult. There are no "passouts" for 14s.

15s – 17s will only be allowed in to the venue with valid passport, driving licence or York City Council YoZone Card. There are no "passouts" for 15s – 17s.

18+s must show valid passport, driving licence or P.A.S.S. to purchase alcohol. They will be handstamped or wristbanded.

Where doorstaff have reason to be suspicious, there will be bag/pocket searches.

There will be a section on the web site clearly outlining our ID requirements. Customers may call, or email, the venue for further clarification. We can also advise where and when guardians may collect.

Bar staff are instructed not to serve alcohol to anybody without a handstamp or wristband. They are also instructed not to serve anybody whom they suspect is supplying alcohol to under 18s.

Bar and door staff continually patrol the venue (including the toilets) and are instructed to eject anybody consuming alcohol or supplying (or attempting to supply) alcohol to anybody without a handstamp or wristband.

There is a good selection of soft drinks available.

CCTV has been installed to cover the venue and this is continually monitored.

All under 18s must leave the venue when live music has finished. Door staff will be on hand to advise where to go for taxis, takeaways and the city centre.

11. Queue management

CCTV, barriers and SIA-registered door supervisors will be used to ensure customers queue to the left of the entrance (as observed from facing) and along the walkway.

The nearest premises of a similar type is Fibbers which is one hundred yards away and on a different level of the building. Queues for our premises will not interfere with them in any way.

Alcohol will be confiscated.

The area will be tidied when the queue has dispersed.

Customers will be asked to keep noise to a minimum.

The queue will be monitored for persons giving rise to concern over their future behaviour in the premises.

See also "Entry Policy".

12. CCTV Policy

The CCTV system is maintained by G & B Cash Registers. Unit 9 Evans Business Centre. Great North Way. York. YO26 6RB. +44 (0) 1904 782607

CCTV functionality must be checked prior to the start every event. CCTV recordings are kept for 10 days. After 10 days they are overwritten.

When an serious incident is recorded the relevant date and time period needs to be noted in the Incident Book.

If a period of CCTV footage is required by the police it should be downloaded to disk and handed over and a receipt obtained. (Where the viewing software is required this should also be handed over with an arrangement made for it's return to the venue).

We are required by law to notify our customers, via signage, that CCTV is in operation on the premises.

Ensure that the premises are always being recorded, 24 hours a day.

13. Sexual Harassment Policy

Every effort is made to provide a working environment free of sexual harassment and intimidation.

Sexual harassment of any members of staff will not be tolerated. All members of staff are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

Appropriate disciplinary action, which includes dismissal for serious offences, will be taken against any member of staff who violates this policy.

What is sexual harassment?

Any unwanted conduct of a sexual nature or based on sex affecting the dignity of women and men at work. It refers to behaviour that is unsolicited, that is personally offensive and that fails to respect the rights of others.

If behaviour is imposed, unwanted and causes offence, it is harassment.

Harassment can include:

- *Unwanted and unnecessary physical conduct*
- *Verbal abuse*
- *Offensive suggestive remarks*
- *Sexual propositions*
- *Jokes that are personally offensive*

What can you do if you experience sexual harassment?

A complaints procedure is available but you may prefer to consider a less formal route to resolving the problem. All complaints will be handled in a timely and confidential manner and there will be an impartial investigation.

Step 1 Inform the harasser that their behaviour is unwelcome. The person may not realise that they are causing offence and a simple chat may resolve the problem. Alternatively, talk to someone about what is happening and how you feel, such as a friend, colleague or line-manager.

Step 2 If the person refuses to co-operate, make a record of the date, time and nature of each incident of harassment. This will help in an investigation.

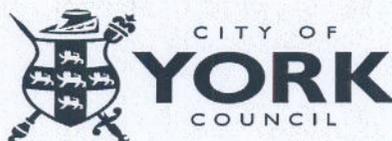
Step 3 Report this incident to your supervisor or DPS in accordance with the complaints procedure.

How can you help prevent sexual harassment?

- *Your manager must respond seriously, promptly, fairly and sensitively to all complaints in strict confidence. As a member of staff, you can stop sexual harassment happening in your workplace:*
- *Be aware of the issue*
- *Make sure your own conduct does not cause offence or misunderstanding*
- *Do not be afraid to stand up against being sexually harassed at work or to support colleagues who are being harassed.*

Advice can be sought from Tim Hornsby, DPS or Michelle Hodgen.

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009129

Postal address of premises:

**Stonebow Snooker Club
Stonebow House
The Stonebow**

Post town: **York**

Post code: **YO1 7NP**

Telephone number: 01904 641413

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Indoor sporting events
Supply of Alcohol

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

INDOOR SPORTING EVENTS

Monday – Sunday: 24 hours

SUPPLY OF ALCOHOL

Monday – Sunday: 10:00 - 02:00

The Opening Hours of the Premises

Monday – Sunday: 24 hours

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

On the premises

Part 2

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

Name: Mr Thomas Tunstall

Address: 32 Main Street
Wheldrake
York
YO19 6AE

Telephone number: 01904 448520

Email address: None

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

Name: Mr Patrick Timothy Hornsby

Address: 5 Oxtoby Court
Fishergate
York
YO10 4GA

Telephone number: None

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

City of York Council
CYC-010430

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

(1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Embedded Restrictions

SCHEDULE 2

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE

Children

1. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

a) He is the child of the holder of the premises licence.

b) He resides in the premises, but is not employed there.

c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

i) set apart for the service of table meals, and

ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Credit Sales

2. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal, or

- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

3. The sale and supply of intoxicating liquor shall be restricted to those persons who have paid admission for entry or who are members of the club.

4. Any person under 18 years of age admitted to the premise must be a member of the Club or a bona fide guest of an adult member.

5. All members shall be issued with a membership card and affixed thereto shall be a passport sized photograph. A different coloured membership card shall be issued to under 18s and under 14s.

6. There shall be no sale of intoxicating liquor for consumption off the premise.

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out below.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices Licence.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

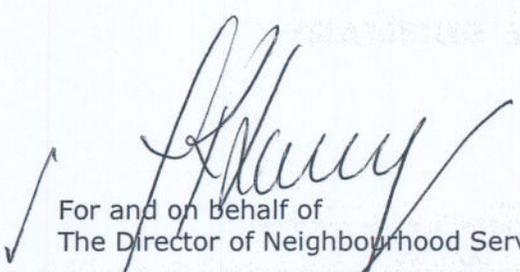
- 1) CCTV installed on the premises will be maintained and operational.

Public Safety

- 2) Emergency lighting is installed within the premise.
- 3) A fire alarm system is installed within the premise.
- 4) Fire fighting equipment is fitted within the premise.

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

None


For and on behalf of
The Director of Neighbourhood Services

Licensing Services
9 St Leonard's Place
York
Y01 7ET

Date: 24/08/2005
02/05/2008 (DPS Variation)

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Premises licence number:
CYC - 009129

Premises details

Postal address of premises:

**Stonebow Snooker Club
Stonebow House
The Stonebow**

Post town: **York**

Post code: **YO1 7NP**

Telephone number: 01904 641413

Where the licence is time limited the date

This licence has no expiry date

Licensable activities authorised by the licence:

Indoor sporting events
Supply of Alcohol

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

INDOOR SPORTING EVENTS

Monday – Sunday: 24 hours

SUPPLY OF ALCOHOL

Monday – Sunday: 10:00 - 02:00

The Opening Hours of the Premises

Monday – Sunday: 24 hours

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

On the premises

Name and (registered) address of holder of premises licence

Name: Mr Thomas Tunstall

Address: 32 Main Street
Wheldrake
York
YO19 6AE

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

Mr Patrick Timothy Hornsby

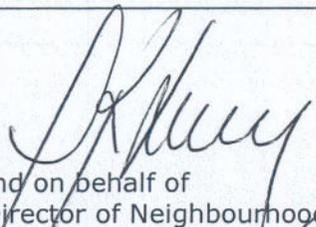
State whether access to the premises by children is restricted or prohibited:

No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.


For and on behalf of
The Director of Neighbourhood Services

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

Date: 24/08/2005
02/05/2008 (DPS Variation)

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

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Stonebow Snooker Club (The Duchess), Stonebow House, The Stonebow, York

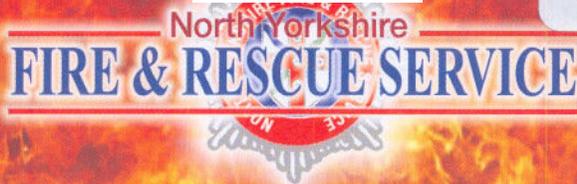
Existing Operating Hours

LICENSABLE ACTIVITY	DAYS	TIMES
Supply of alcohol:	Monday - Sunday	10:00-02:00
Regulated Entertainment:		
a) Plays		
b) Films	Monday – Sunday	24 hours
c) Indoor Sporting Events		
d) Boxing or Wrestling		
e) Live music		
f) Recorded music		
g) Performance of dance		
h) Anything of similar description to (e), (f) or (g)		
Provision of entertainment facilities:		
i) Making music		
j) Dancing		
k) Entertainment of similar description to (i) or (j)		
Provision of late night refreshment:		
Hours premises open to public:	Monday – Sunday	24 hours

Stonebow Snooker Club (The Duchess), Stonebow House, The Stonebow, York

Proposed Operating Hours

LICENSABLE ACTIVITY	DAYS	TIMES
Supply of alcohol:	Monday to Sunday <u>Non Standard Times</u> From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day An additional 60 minutes at the commencement of British Summertime	11:00-02:30
Regulated Entertainment:		
a) Plays		
b) Films		
c) Indoor Sporting Events	Monday – Sunday	24 hours
d) Boxing or Wrestling		
e) Live music	Monday – Sunday <u>Non Standard Times</u> As above	11:00-01:00
f) Recorded music	Monday – Sunday <u>Non Standard Times</u> As above	11:00-03:00
g) Performance of dance		
h) Anything of similar description to (e), (f) or (g)	As above	
Provision of entertainment facilities:		
i) Making music	As above	
j) Dancing	As above	
k) Entertainment of similar description to (i) or (j)	As above	
Provision of late night refreshment:	Monday to Sunday <u>Non Standard Times</u> As above	23:00-03:00
Hours premises open to public:	Monday to Sunday <u>Non Standard Times</u> As above	11:00-03:30



**N M Hutchinson MSc; MA;BA(Hons); MI.Fire E.
Chief Fire Officer/Chief Executive**

Your Reference:

My Reference:

00092729 02 hah

York Fire Station

Clifford Street

York

YO1 9RD

When telephoning please ask for:

Miss Hilary Hustwick

Telephone: 01904 625272

Fax:

5 June 2008

Dear Sir/Madam

LICENSING ACT 2003

Applicant/Licensee: T Tunstall and M Tunstall

Premises: Stonebow Snooker Club, Stonebow House The Stonebow York YO1 7NP

Application to vary a premises licence under the licensing Act 2003

I refer to the recent application under the above Act for a variation to a licence

The Fire Authority wish to Make Representations under Public Safety.

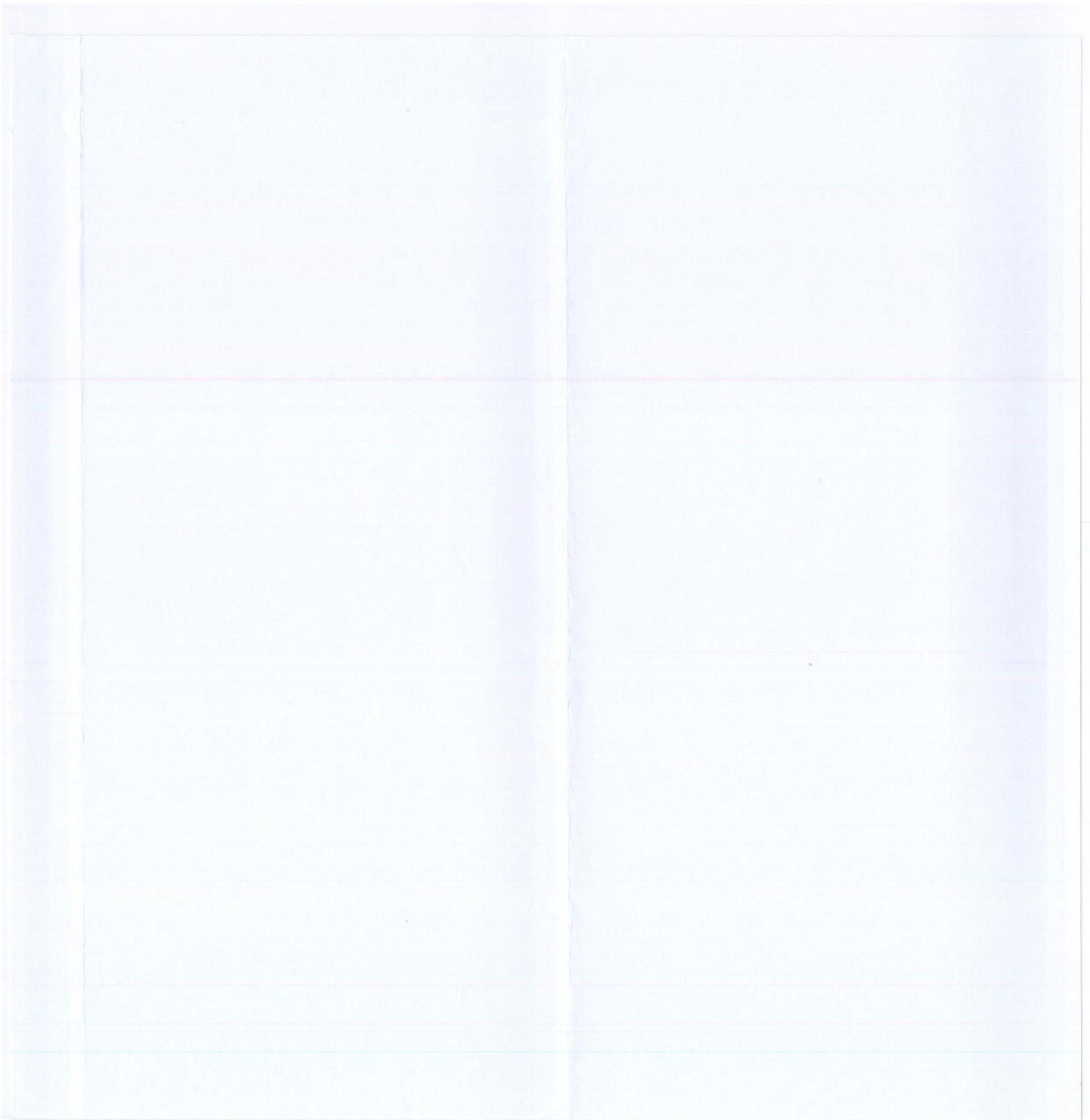
The occupancy figures for the premises should not exceed: 400 Persons

The premises are subject to a risk based inspection regime, the frequency of which is determined by the Fire Authority. If, following an inspection the Fire authority have concerns regarding Public Safety, these will be reported upon.

Should you wish to discuss any item in this report please contact myself at the above address.

City of York Licensing Dept
9 St Leonards Place
Exhibition Square
York





Haswell, Dick

From: Hilary Hustwick [Hilary.Hustwick@northyorksfire.gov.uk]
Sent: 01 July 2008 11:12
To: Haswell, Dick
Subject: RE: {Clean} Stonebow Snooker Club

Hi Dick

Thanks for that. I have had a read and as I told Steve Cluderay today I am making comments on the plans submitted I have also been and made a site visit and my reps still stand. The applicant of the Duchess are aware of the works that need to be in place to satisfy fire safety provisions and this is being dealt with under the RRO. If however no building application is submitted for the additional means of escape then I will have to reconsider the occupancy but this shall be dealt with again under the RRO and their risk assessment.

Let me know if you need anything further

Regards

Hilary

-----Original Message-----

From: Haswell, Dick [mailto:Richard.Haswell@york.gov.uk]
Sent: 01 July 2008 10:54
To: Hilary Hustwick
Subject: {Clean} Stonebow Snooker Club

I refer to our telephone conversation and would ask you to consider the attached report alongside your letter dated 5th June 2008. Could you confirm if you wish to make any further representation in light of the consultants comments.

<<Report on Stonebow Snooker Club Proposals June 20081.doc>>

* * * * *

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**Additional
Information
Received from the
Fire Service**

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North Yorkshire
FIRE & RESCUE SERVICE

**N M Hutchinson Msc; MA; BA(Hons) MI. Fire E.
Chief Fire Officer/Chief Executive**

08 JUL 2008

Your Reference:

Area Fire Safety Manager

My Reference:

00301369

Clifford Street

YORK

North Yorkshire

YO1 9RD

When telephoning please ask for:

Miss Hilary Hustwick

Telephone: 01904 625272

Fax: 01904 620732

Dear Sir

RE: The Duchess 7 The Stonebow York YO1 7NP

Regulatory Reform (Fire Safety) Order 2005

Thank you for your telephone call I can confirm that the Fire Authority have no concerns with the availability of the shared final fire exit leading from the rear of the above premises into Stonebow. This Door is fitted with a push bar to open device which is not locked at anytime from the inside.

Should you wish to discuss any item in this report please contact myself at the above address.

Yours faithfully



Fire Safety Officer

Matthew Tunstall
The Duchess
7 The Stonebow
York
YO17NP

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

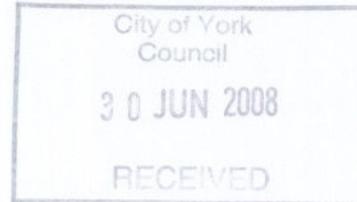
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ANNEX 6

*berwin leighton paisner

our ref CAB/25828.9
 your ref
 ddi 020 7427 1326
 e-mail Craig.baylis@blplaw.com



Lesley Cooke
 The Licensing Team
 York City Council
 9 St Leonards Place
 York
 YO1 7ET

27 June 2008

By Post & Email: licensing.unit@york.gov.uk

120499

Dear Sirs

Stonebow Snooker Club, York

Further to our letter dated 11 June 2008, we now wish to raise further points of concern:

There are insufficient toilets (both male and female) for the capacity being sought by the applicants and, therefore, not compliant with Building Regulations. Not only this, but also the severe lack of female toilets could lead to incidents between customers as they become frustrated at excessive waits and also might lead to females being tempted to try and use the male toilets, thereby adversely affecting both the public safety and crime and disorder objectives. Our client has further concerns in relation to the fire exits for the applicant's premises affecting public safety.

Yours faithfully

BERWIN LEIGHTON PAISNER LLP

gml\6799764.3

Haswell, Dick

From: Craig Baylis [Craig.Baylis@blplaw.com]
Sent: 30 June 2008 12:55
To: Haswell, Dick
Subject: Report on Stonebow Snooker Club Proposals June 20081.doc

<<Report on Stonebow Snooker Club Proposals June 20081.doc>> Mr Haswell. I am in receipt of your letter dated 26th June, rejecting representations made on behalf of "Fibbers". We are most concerned that the representations made in respect of the public safety objective in particular have been discounted by you.

You appear to accept an assertion by the applicant that "the closure of Fibbers" does not mean that the shared access is unavailable".

I refer you to an independent report (attached) which our client has commissioned regarding the safety of the applicant's premises based on the plan submitted with the variation application. In particular, please see para 8 of the report regarding the shared access.

This is not simply a question of fire risk assessment or fire safety but also safety in general.

The shared access is a loading area for both sets of premises. What would happen if both premises decided to use the area at the same time for loading/unloading of equipment for a performance? We would suggest that the safety arrangements in such circumstances must be called into question and on that basis the public safety licensing objective is clearly not being promoted because no consultation has taken place between the applicant and our client.

Your continued unwillingness to list this matter for a hearing despite the numerous concerns raised by our client which clearly fall within the parameters of the licensing objectives is causing considerable disquiet and our client has now instructed us to consider judicial review of your decision to reject our representations. In such circumstances our initial application to the High Court would include a request that the variation application be held in limbo pending the clarification of the position.

I look forward to hearing from you that a hearing can be fixed so that the licensing committee is made fully aware of the public safety implications of this variation application.

Craig Baylis

Save paper...think before you print.

Berwin Leighton Paisner LLP

Chambers Europe Awards for Excellence - UK Law firm of the Year 2008
The Sunday Times Best Companies to Work For 2008

Adelaide House, London Bridge, London EC4R 9HA, UK
DX 92 London/Chancery Lane
t: +44 (0)20 7760 1000 f: +44 (0)20 7760 1111 w: <http://www.blplaw.com>

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30/06/2008

Report on Stenham Court, Cl...

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cluderay-webb
fire safety risk assessment specialists

PO Box 395
York, YO23 3ZA
Tel: 0845 8382 747
Fax: 0870 7626 301
Email: steve@cluderay.com
Web: www.cluderay-webb.co.uk

Mr David Laing
Music & Media Assets Group
59-65 Worship Street
London EC2A 2DU

27 June 2008

Dear David

Proposed Change of Use of Unit 7, Stonebow House, York

Further to our discussions today regarding the proposals at the above premises, and having regard to the drawing accompanying the Variation Application, my observations and professional views are as follows:

Interior layout as proposed

1. In general the proposed layout is acceptable although it is apparent that there are changes in ground levels, not shown, that may have a significant impact, in particular with regard to the possibility of creating an environment suitable for disabled users;
2. There appears to be a comprehensive fire alarm system although additional detail in respect of visual signals in the toilets is not shown.

Means of Escape

1. The national guidance for Large Places of Assembly (ISBN-13: 978 1 85112 821 1) suggests:
"In multi-occupied premises, escape routes should normally be independent of other occupiers, i.e. people should not have to go through another occupier's premises as the route may be secured or obstructed. Where this is not possible, then robust legal agreements should be in place to ensure their availability at all times."
The alternative fire escape route to the main entrance discharges into an interior part of the building from which a single-width final exit is available. This route is not shown on the drawing and is thereby misleading and inaccurate, in that the area is shared with other occupiers and there is no agreement in place to determine how the escape route will be managed;
2. The final exit width in the alternative route is not as shown on the drawing accompanying the Variation Application;
3. The route to the final exit for the alternative escape route currently requires escapees to travel through at least three different levels, including up a short staircase, and is not shown on the drawing;

4. The drawing accompanying the Variation Application indicates a third final exit from the licensed area, not currently available, would discharge directly onto a public footpath that is considerably higher than the licensed area. The change of level is not shown on the drawing;

5. Irrespective of the difficulty of creating the third final exit, the alternative and third exits are so close together that they should be considered to be one exit (in that they fail the 45degree rule – “Where alternative exits from a space or room are necessary they should wherever possible be located at least 45° apart”). The Guidance goes on to explain:

“When calculating the overall available escape route capacity for premises that have more than one way out, you should normally assume that the widest is not available because it has been compromised by fire. If doors or other exits leading to escape routes are too close to one another you should consider whether the fire could affect both at the same time. If that is the case, it may be necessary to discount them both from your calculation.”

6. Following the guidance it can be seen that once the larger of the exits is discounted (this being the main entrance) the width of the remaining final exit (the single door leading from the interior area onto Stonebow) is the determining factor when calculating the safe occupancy of the licensed area. This door width (not measured) is no more than 1050mm and therefore supports a capacity of no more than 200 people;

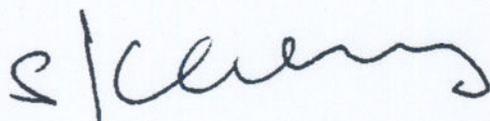
7. The alternative escape route passes through an area shared with other occupiers and in which there are skips containing combustible rubbish. The Guidance document suggests:

“Skips should never be placed against a building and should normally be a minimum of 6m away from any part of the premises.”

8. The shared area, not shown on the drawing accompanying the Variation Application, is currently under the control of the occupiers of “Fibbers”. Managers of Fibbers have keys to the loading bay doors and are able to ensure that the area is available as a means of escape for Fibbers whenever Fibbers is open. The single width escape door is sufficient for the numbers of people who may require to use it as an escape route from Fibbers. If a total evacuation of the building is required the single width door would have to serve Fibbers and the occupiers of Unit 7, thereby compromising the capacity of the escape route.

The views expressed above are based upon the evidence available to Cluderay-Webb LLP at the time of the inspection.

Yours Sincerely



Steve Cluderay
Senior Partner

[redacted]
St Andrew Place
YORK
YO1 7BP

Objection: Stonebow Snooker House License Variation Application

As a local resident I wish to object to the proposed change to the Stonebow Snooker Club license. Having read the application I believe that a major nightclub and live music venue on my doorstep will hugely add to crime and disorder and public nuisance in and around the area that I live in. I believe that up to 500 people will be potentially leaving the premises at 3am in the morning, having been served alcohol until 2.30am and as such I am very concerned for my safety. On these grounds I wish to object most strenuously.

Yours,

[redacted signature]

RECEIVED
30 JUN 2008

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE. 11/7/08	LC

**Additional
Information
Received from
Representor**

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York [REDACTED]

4th July 2008

08 JUL 2008

Dear Sirs,

I am unable to attend the meeting re: Stonebow Snooker Club application for change of use.

Myself and many others bought highly priced homes on this side of town for the very reason of not being bothered by the fall out of hoardes of nightclubbers disturbing a very peaceful area at all hours. These people will/can be noisy, inconsiderate to the time + area, could cause a litter problem + wast of all may be aggressive (hardly rare these days).

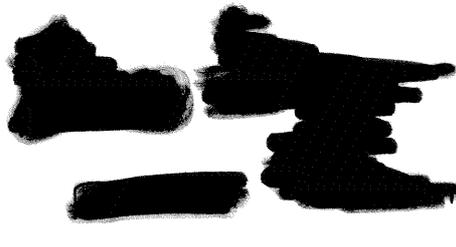
There is no way the owners of the proposed Club can ensure that no problems arise when 500 or so people hit the streets after closing times in various states of inebriation.

The sentence from Tim Hornsby's letter and I quote "door staff at our entrance with instructions to guide people" anywhere

is incredibly naive if not misleading.
Surely only police officers can enforce
people to use a particular route for any
reason.

This proposed change of use is
particularly offensive to the community
here who chose very carefully where to
buy/rent property. There are lots of
venues more suited to this use and I
implore the Committee to consider with
care the nature of this area + its residents

yours faithfully

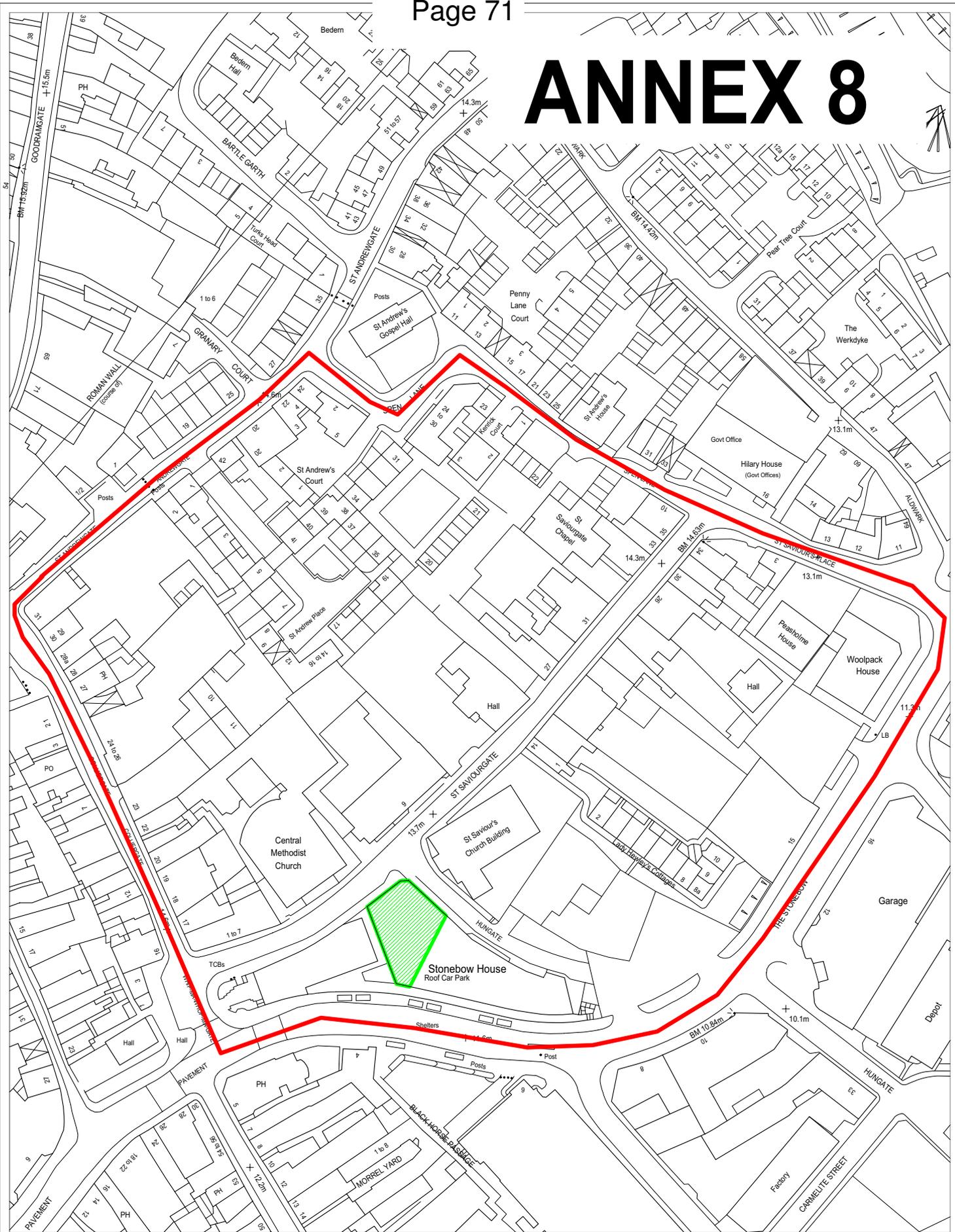



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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ANNEX 8



STONEBOW SNOOKER CLUB, STONEBOW HOUSE, THE STONEBOW, YORK



9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

SCALE 1:1400
Originating Group

DRAWN BY PSL
Project

DATE 7/7/2008
Drawing No. SSCSH1A

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Extn: 1515
Ask for: Richard Haswell
Our ref: RHH/LJC/260608/2
Your ref: CAB/25828.9
e-mail: dick.haswell@york.gov.uk

26 June 2008

Berwin Leighton Paisner LLP
Adelaide House
London Bridge
London
EC4R 9HA

Dear Sirs

Licensing Act 2003
Application for Variation to Premise Licence
Stonebow Snooker Club, 7 Stonebow House, York

I refer to your letter of representation in respect to this application which was dated 11 June 2008 and received by this office on 16 June.

By virtue of the councils delegation under this Act it falls to me to consider the relevance of any representations received.

In accordance with the councils Licensing Policy I have consulted with the Assistant Director for Neighbourhoods and Community Safety to consider your representation.

Section 18(6)(a) of the Licensing Act 2003 states that 'relevant representations' means representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

In respect of your representation I would wish to comment as follows:

1. Fire safety is a matter that is dealt with under the Regularly Reform (Fire Safety) Order 2005 and should not be duplicated by the licensing regime. The Fire Authority has not made any representations and has been made aware of your concerns. I am also advised that the closure of your client's premises does not mean the shared access is unavailable.
2. Management of queues - The operating schedule and appended documents do refer in more detail that you state to queue management and do include an exit (dispersal) policy. Your

representation, although pointing out omissions to the information provided in the operating schedule and asking questions does not make any reference to any likely effect on the promotion of the licensing objectives.

3. Membership - You ask a question but do not state any effect on the promotion of the licensing objectives.
4. Protection of children from harm - You ask a question but do not state any effect on the promotion of the licensing objectives. The Act provides protection to children through age restrictions. Any breach of statute is provided for by appropriate sanctions.

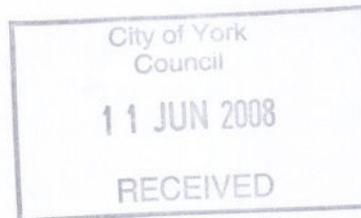
I wish to inform you therefore that in consideration of the above your representation are not considered 'relevant' as defined by section 18(6)(a) of the Licensing Act 2003 and will not be considered.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'R. Haswell', written over a light blue horizontal line.

Richard Haswell
Head of Licensing & Safety

our ref CAB/25828.9
 your ref
 ddi 020 7427 1326
 e-mail Craig.baylis@blplaw.com



Lesley Cooke
 The Licensing Team
 York City Council
 9 St Leonards Place
 York
 YO1 7ET

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE	16/06/08

11 June 2008

Dear Sirs

Stonebow Snooker Club, York

We are instructed by "Fibbers" of Stonebow House, The Stonebow, York to make representations in respect of the most recent application for variation of Premises Licence which has been made in respect of these premises.

Our clients are concerned in respect of the following matters.

1. The public safety licensing objective. The application's premises share a fire escape with our client's premises. No specific indication is given in the application as to how the evacuation of the premises will be managed if our client's premises were to be closed and the shared exit were to be unavailable.
2. In relation to the public safety objective no detail is given as to how queues outside the premises will be managed. No details are given as to the dispersal of patrons and what efforts will be made to ensure there is no clash with patrons exiting our client's premises. The applicant makes a mere assertion in his operating schedule that "customers leaving our premises will not interfere with them in any way". How is this assertion supported and justified? How will the applicant know that patrons of our premises are not leaving at the same time as patrons of his premises?
3. The applicant seeks to have all embedded restrictions on the current Licence removed. He gives no indication as to whether membership of his premises will be required and how membership will be regulated.
4. In relation to the protection of children from harm, it is indicated on the application form that "all under 18s must vacate the premises when live music finishes". How will the applicant ensure that all under 18s have vacated the premises at that time, leaving only over 18s? Will they be made to occupy a separate part of the premises so that they can easily be identified? If they are mingling with over 18s during the performance of live music, how will the applicant's door staff be able to separate under 18s from over 18s to ensure compliance with this proposal?

Yours faithfully

BERWIN LEIGHTON PAISNER LLP

gml\6799764.2

Extn: 1515
Ask for: Richard Haswell
Our ref: RHH/LJC/250608/barfly
e-mail: dick.haswell@york.gov.uk

25 June 2008

Ms K McShannon
Barfly Holdings
MAMA Group Plc
59-65 Worship Street
London

Dear Ms McShannon

Licensing Act 2003
Application for Variation to Premise Licence
Stonebow Snooker Club, 7 Stonebow House, York

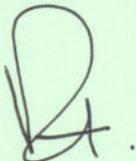
I refer to your letter of representation dated 17 June 2008, relating to this application.

I note the concerns expressed in your letter. I can confirm with regard to planning issues the councils planning department will take appropriate action separate from the licensing process.

Section 18(6)(a) of the Licensing Act 2003 makes it clear that for representations to be relevant they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Under the delegation scheme set out in our policy I have consulted with the Assistant Director for Neighbourhoods and Community Safety, and have concluded that your representation cannot be considered relevant as it fails to address the effect of the grant of the licence on the promotion of the licensing objectives as outlined above, and concentrates in the main on planning issues.

Yours sincerely

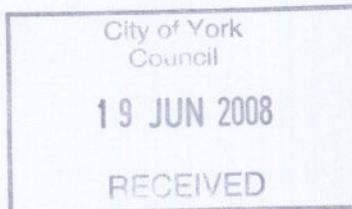


Richard Haswell
Head of Licensing & Safety



Holdings

Lesley Cooke
Senior Licensing Officer
Licensing Services
City of York Council
9 St Leonard's Place
York
YO1 7ET



By email and first class post

17 June 2008

Dear Ms Cooke,

Application for variation to Premises Licence - Stonebow Snooker Club, 7 Stonebow House

Further to my letter of 27 May 2008, I have been requested by Fibbers (York) Limited, the owner of Fibbers, the café bar and live music venue located at Stonebow, York ("Fibbers") to make representations in respect of the re-submitted application for variation to the Premises Licence (the "Licence Application") of Stonebow Snooker Club, 7 Stonebow House, York (the "Snooker Club").

These representations are made in addition to any representations which may be made by Messrs Berwin Leighton Paisner LLP on Fibbers' behalf in respect of the Licence Application. They are made from a planning law perspective as it appears to Fibbers that those persons who have submitted the Licence Application (the "Applicants") are seeking to obviate the requirements of applicable planning legislation by attempting to vary the terms of the Premises Licence without making any concomitant application for planning permission in accordance with the relevant planning legislation.

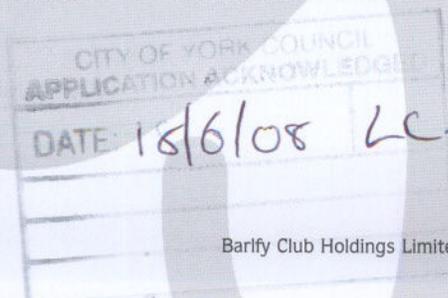
Fibbers are concerned in respect of the following matters:-

1. **Material change of use**

The current permitted use of the Snooker Club pursuant to the Town and Country Planning (Use Classes) Order 1987 (as amended) (the "1987 Order") is non-residential use as a snooker hall within class D2 of the 1987 Order. It is noted that pursuant to the Licence Application, the Applicants have applied for a licence to provide "a core business of live music and dancing and late night refreshment for the general public" to serve alcohol until 2.30 a.m., to serve food until 3 a.m. and to close at 3.30 a.m., seven days a week. It is clear from s2(1) of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 that use as a nightclub is a *sui generis* use which does not fall within any of the use classes in the Schedule of the 1987 Order.

Therefore, it is contended that this change of use would constitute a "development" for the purposes of s55(1) Town and Country Planning Act 1990 (as amended) (the "Act") as it amounts to a "material change in the use of" the Snooker Club.

We have discussed this matter with the planning department of York Council and they are not aware of any planning permission applications for change of permitted use, or otherwise, having been submitted by the Applicants in respect of the Snooker Club. Therefore, it would appear that in direct contravention of the Act the Applicants have failed to seek planning permission to use the premises as a live music and dancing and late



part of
MAMA
Group Plc

night refreshment venue and are seeking to circumvent the requirements of the application planning legislation by applying to vary the premises licence.

This failure to submit a planning application together with the Application would also appear to be in direct contravention of section 3.1 of York Council's "Statement of Licensing Policy 2008 (the "Council Policy") which states *"If an applicant wishes the Licensing Authority to determine an application for an activity for which lawful planning use cannot be demonstrated it will be for the applicant to demonstrate special circumstances justifying a departure from the policy"*. It does not appear from the Application that any such special circumstances have been delineated.

hearing.

The Application would also appear to ignore the guidance set out in Appendix C paragraph 1 of the Council Policy which states that *"The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission..."*

We would respectfully request that the Licensing Committee adheres to section 13.2 of the Council Policy and ensures that it consults with its planning department colleagues to ensure that the Applicants adhere to the planning legislation and the Council Policy.

2. Increased capacity

As you will be aware, the Snooker Club currently trades on a member-only basis with a non-fixed capacity based on the number of snooker tables in operation. Fibbers estimate that the number of customers within the Snooker Club at any one time would be a maximum of approximately 20 to 30 people depending on the number of snooker tables in operation.

Pursuant to the Licence Application the Applicants are seeking to change the use of the Snooker Club to a nightclub, which is being advertised with a capacity of at least 500 people, thereby increasing the current trading capacity by over 1000%.

As your planning colleagues will confirm there is a substantial residential development currently being undertaken immediately adjacent to the Snooker Club by CBM Construction Group. It is highly probable that the incoming residents of this development will be directly affected by the noise emanating from a 500-capacity venue on their doorstep and by the nuisance caused by the number of patrons at such a sizeable venue.

Since planning permission has not been sought for the proposed change of use of the Snooker Club the developers of this residential building have not had an opportunity to raise any objections to the same. However, we have no doubt that they would raise such an objection to the opening of a 500-capacity nightclub on the doorstep of their residential investment.

It would appear that the Applicants have failed to take into account the criteria stipulated in section 4 of the Council Policy which states that *"The Licensing Authority will normally expect the operating schedule to have regard to the nature of the area where the premises are situated... and the needs of the local community in addressing the four licensing objectives."*

However, there does not appear to have been any regard on the part of the Applicants to the needs of the local community and, in particular, the fact that a substantial residential development is being constructed on the doorstep of the Snooker Club. There appears to have been no regard for section 4.2 of the Council Policy and our concerns in this respect are as follows:-

- a) The local community is already well-served with local bars and restaurants, including Fibbers. The opening of a further late-night venue in the area will lead to additional noise levels and is likely to lead to additional nuisance problems for local residents and businesses;

- b) It is stated in the Health and Safety Policy Document appended to the Application that Fibbers is located one hundred yards away from the Snooker Club. This is incorrect. In fact, the two venues share an artist access passageway and it is possible that the proposed operation of the Snooker Club would prevent Fibbers from trading. In the event that both venues were featuring live music artists on the same night it would be almost impossible to load in/out the equipment of the artists at both venues using only one accessway;
- c) There appears to have been no assessment whatsoever of the environmental impact of 500 people vacating the locality at between 2 and 3.30 p.m every day of the week. Firstly, there is only one taxi rank in the area, which does not have the capacity to service the numbers of customers of Fibbers and other local venues together with 500 additional customers of the Snooker Club. Fibbers, located in extremely close proximity to the Snooker Club, trades until 2 a.m. and despite the best efforts of the Fibbers staff and security the prospect of a clash between customers at the two venues cannot be underestimated, nor can the prospect of damage to local property as a result of the efflux of such numbers of persons in the early hours of the morning. If the Snooker Club is permitted to continue to sell alcohol until 2.30 a.m. there is also the extreme likelihood that its customers will be intoxicated when departing the premises which will only serve to exacerbate any problems.

It is our contention that the past operation of the Snooker Club is irrelevant in determining the public nuisance which is likely to be caused if the Application is granted as the proposed use of the premises differs entirely from the current use.

3. Fire exit development

The plans submitted with the Licence Application indicate that the Applicants intend to create a new fire exit at the Snooker Club.

This would also appear to constitute a "development" for the purposes of the Act and yet no application has been made for planning permission in this regard in contravention of the Act. The Snooker Club currently shares a fire escape with Fibbers and it is unclear from the Licence Application as to the effect that the new proposed fire exit would have on the Fibbers' fire exit.

4. Conclusion

For the reasons set out above, the directors of Fibbers (York) Limited are extremely concerned that the development of a new nightclub in the locality has the potential to be inordinately detrimental to their business and that of other local traders. The development of a new nightclub in Stonebow will have a fundamental impact on the nature of the area from a planning perspective and it gravely concerns Fibbers that neither local residents nor local businesses have been consulted in respect of this potentially pernicious development.

I understand that the City of York Council Licensing Department often consult with Mr Gareth Arnold of the City of York Council Planning Department in order to obtain a planning perspective prior to making decisions in respect of licence applications. Given the nature of this application and the fact that the Applicants appear to be attempting to circumvent the relevant planning legislation and the Council Policy it would be greatly appreciated if the Licensing Committee would consult with Mr Arnold as a matter of urgency in order to obtain input from the planning department in connection with this Application.

A copy of this letter has been sent to Mr Arnold and I would implore you to take into account the views and representations set out in this letter together with those of Mr Arnold in reaching any decision relating to the Licence Application.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'K. McShannon', with a long horizontal flourish extending to the right.

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

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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 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.