

Licensing/Gambling Hearing

To: Councillors Wiseman (Vice-Chair), Moore and Ayre

Date: Thursday, 26 June 2008

Time: 11.00 am (or on completion of the previous Hearing).

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. The Determination of an Application by The Whitbread Group PLC for a Premises Licence [Section 18 (3)(a)] in respect of 28-40 Blossom Street, York, YO24 1AJ. (CYC-014050)

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

26 June 2008

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for 28-40 Blossom Street, York, YO24 1AJ**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-014050.
3. Name of applicant: Whitbread Group Plc.
4. Type of authorisation applied for: Grant of Premises Licence.
5. Summary of application: The nature of the application is to apply for the supply of alcohol, the provision of regulated entertainment consisting of; films, indoor sporting events, live and recorded music and dance; and the provision of entertainment facilities for making music and dancing. The provision of late night refreshment.
6. The applicant states that the premises will operate as a food led public house on the ground floor with limited "one-off" occasional regulated entertainment and with unlicensed hotel accommodation on the upper levels. The proposed permitted hours for these premises are: Monday to Sunday 10:00 hours to 00:30 hours inclusive with the premises closing to the general public 30 minutes thereafter. However, the premises will remain open 24 hours a day to residents in the adjacent hotel accommodation.

Background

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

Promotion Of Licensing Objectives

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

9. The prevention of crime and disorder:

1. The use of doorstaff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. Where engaged doorstaff shall be licensed by the Security Industry Authority.
2. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose or for consumption in the adjacent hotel.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

10. Public safety:

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used on the premises where appropriate.
6. Fire exits and means of escape shall be kept clear and in good operational condition.

11. The prevention of public nuisance:

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licence holder or a suitable staff member will monitor patrons leaving at closing time.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

12. The protection of children from harm:

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
3. Children under the age of 16 shall not be permitted to enter the premises after 21:00 hours unless dining with an adult or attending a pre-booked function or resident in the adjacent hotel.
4. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
5. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
6. Policies relating to children shall be adequately communicated to patrons by staff or through appropriate signage.

Special Policy Consideration

13. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The special policy was approved by the licensing committee on 1 April 2005 and considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 6.

Consultation

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

Summary of Representations made by Responsible Authorities

16. A representation has been received from the following responsible authorities relating to this application.
17. North Yorkshire Police make representation to the grant of the application on the grounds that the prevention of crime and disorder, public safety and public nuisance licensable objectives would be undermined, particularly in relation to the premises being located within the cumulative impact zone. A copy of this representation is attached at Annex 2.
18. North Yorkshire Fire and Rescue Service make representation to the application on the grounds of public safety. They ask that the following condition be attached to the licence if granted; The occupancy figure for the premises should not exceed 400 persons. A copy of this representation is attached at Annex 3.

Summary of Representations made by Interested Parties

19. A representation has been received from an interested party on the grounds of prevention of crime and disorder and public nuisance. A copy of the representation is attached at Annex 4.
20. The address of the interested party, in relation to the premises subject of the application, is indicated on the map attached as Annex 5.
21. 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.
22. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

23. The premises do not currently have planning permission for use as a hotel. A planning application has been submitted (ref no: 08/01067/FULM) for a change of use but the applicant has requested that the application be held in abeyance pending the submission of additional information. On receipt of this information the application will be determined by the Planning Committee at a date to be set.

Options

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

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

Ext: 1593

Ext: 1814

Report Approved

Date 9 June 2008

Specialist Implications Officer(s)
Quentin Baker
Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Micklegate

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of Application form
- Annex 2** - Copy of Representation from North Yorkshire Police
- Annex 3** - Copy of Representation from North Yorkshire Fire & Rescue Service
- Annex 4** - Copy of Representation from Interested Party
- Annex 5** - Map of area indicating address of Interested Party in relation to premises subject of application
- Annex 6** - City Centre Special Policy Statement
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises details

| | |
|--|------------------------------------|
| Postal address of premises or, if none, Ordnance Survey map reference or description | |
| Proposed food led public house, Blossom Street (opposite St. Mary's Court) | |
| 28/40 Blossom Street | |
| Post town York | Post code Not Known YO24 1AJ |

| | |
|---|-----------|
| Telephone number of premises (if any) | |
| Non-domestic rateable value of premises | Not Known |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- | | | |
|---|-------------------------------------|-----------------------------|
| | Please tick ✓ | |
| a) An individual or individuals* | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

- * If you are applying as a person described in (a) or (b) please confirm: **Please tick ✓ yes**
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
 - I am making the application pursuant to a
 - Statutory function or
 - A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | | | | | |
|----|--------------------------|-----|--------------------------|------|--------------------------|----|--------------------------|-----------------------------------|--------------------------|
| Mr | <input type="checkbox"/> | Mrs | <input type="checkbox"/> | Miss | <input type="checkbox"/> | Ms | <input type="checkbox"/> | Other title (For example, Rev) | <input type="checkbox"/> |
|----|--------------------------|-----|--------------------------|------|--------------------------|----|--------------------------|-----------------------------------|--------------------------|

| | |
|---------|-------------|
| Surname | First names |
| | |

| | |
|---------------------------|--------------------------|
| I am 18 years old or over | Please tick |
| | <input type="checkbox"/> |

| | |
|---|--|
| Current postal address if different from premises address | |
|---|--|

| | | |
|-----------|--|----------|
| Post Town | | Postcode |
|-----------|--|----------|

| | |
|----------------------------------|--|
| Daytime contact telephone number | |
|----------------------------------|--|

| | |
|--------------------------|--|
| Email address (optional) | |
|--------------------------|--|

Second Individual Applicant (if applicable)

| | | | | | | | | | |
|----|--------------------------|-----|--------------------------|------|--------------------------|----|--------------------------|-----------------------------------|--------------------------|
| Mr | <input type="checkbox"/> | Mrs | <input type="checkbox"/> | Miss | <input type="checkbox"/> | Ms | <input type="checkbox"/> | Other title (For example, Rev) | <input type="checkbox"/> |
|----|--------------------------|-----|--------------------------|------|--------------------------|----|--------------------------|-----------------------------------|--------------------------|

| | |
|---------|-------------|
| Surname | First names |
| | |

| | |
|---------------------------|--------------------------|
| I am 18 years old or over | Please tick |
| | <input type="checkbox"/> |

| | |
|---|--|
| Current postal address if different from premises address | |
|---|--|

| | | |
|-----------|--|----------|
| Post Town | | Postcode |
|-----------|--|----------|

| | |
|----------------------------------|--|
| Daytime contact telephone number | |
|----------------------------------|--|

| | |
|--------------------------|--|
| Email address (optional) | |
|--------------------------|--|

(B) OTHER APPLICANTS

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

| |
|--|
| Name Whitbread Group Plc |
| Address Whitbread Court, Houghton Hall Business Park, Porz Avenue, Dunstable, Bedfordshire, LU5 5XE |
| Registered number (where applicable) 29423 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Public Limited Company |
| Telephone number (if any) |
| E-mail address (optional) |

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

It is intended that the proposed premises will operate as a food led public house on the ground floor with limited "one-off" occasional regulated entertainment and with unlicensed Hotel accommodation incorporating some 86 bedrooms on the upper floors at first, second and third floor levels.

The details of the development are shown on the drawings identified below, deposited with this application in respect of which an application for Planning Permission has been submitted.

It is proposed that the permitted hours for licensable activities for these premises should be :-

Monday to Sunday : 10:00 – 00:30 inclusive with the premises closing to the general public 30 minutes thereafter. However, the premises will remain open 24 hours a day to residents in the adjacent Hotel accommodation.

This application seeks to licence the premises specifically to authorise under the Licensing Act 2003 the following activities:

1. Occasional and "one-off" regulated entertainment comprising: Live music and amplified voice, recorded music by music systems and similar forms of entertainment.
2. Exhibition of a film principally educational videos in conjunction with occasional conferences or special events.
3. The sale of alcohol and such regulated entertainment as specified in the appropriate boxes below.
4. The provision of late night refreshment after 23.00

The appropriate drawings deposited with this application are :-

1. Indicative aerial photograph identifying the site.
2. Indicative site location / arrangement plan – X1889/AM3 – site edged in red
3. Detailed ground floor general arrangement licensing plan with the public area hatched pink and the toilet accommodation hatched maroon – X1889/AM1
4. Indicative upper floor plan – unlicensed – X1889/AM2

Please note that the internal area hatched pink is intended to be used (as required) for all licensable activities. The inclusion of certain limited regulated entertainment is for "one-off" occasional events and will not form part of the normal operating procedure.

The applicant has considered the cumulative impact policy apparently applicable to this area.

For the avoidance of doubt, the proposed offering is not a "vertical drinking establishment" which that Policy seeks to regulate nor will it comprise a "late night drink led or entertainment premises".

The proposed food dominated premises are aimed at providing a dining facility principally to a market comprising of cross generational families, business persons and those staying within the hotel accommodation. Due to the nature of the operation, it is not anticipated that any point there will be an en-masse vacation of customers giving rise to any flash points. The proposed bar servery within the premises which also will incorporate a food servery and order point reflects the nature of the premises.

It is not anticipated that the premises will form part of a drinking circuit.

Due to the nature of the offering it is not anticipated that the proposed development will adversely affect crime and disorder or public nuisance. On the contrary, it is anticipated that the redevelopment of this site will improve the area, providing jobs for the local community and a new food led facility with budget Hotel accommodation within the City Centre.

Part 3 – Operating Schedule

| | | | |
|--|-----|-------|------|
| When do you want the premises licence to start? | Day | Month | Year |
| On completion of the works – to be advised in due course | | | |
| If you wish the licence to be valid only for a limited period, when do you want it to end? | Day | Month | Year |
| If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. | N/A | | |

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

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

Please tick ✓

yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

Supply 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 {Y} (please read guidance note 2). | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | | | Please give further details here (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for performing plays (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 films take place indoors or outdoors or both – please tick {Y}(please read guidance note 2). | Indoors | ✓ |
|--|-------|--------|---|----------|---|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | 10:00 | 00:30 | Please give further details here (please read guidance note 3) Exhibition of a film principally video entertainment on screens and tv screens | | |
| Tue | 10:00 | 00:30 | | | |
| Wed | 10:00 | 00:30 | State any seasonal variations for the exhibition of films (please read guidance note 4) N/A | | |
| Thur | 10:00 | 00:30 | | | |
| Fri | 10:00 | 00:30 | 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) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | | |
| Sat | 10:00 | 00:30 | | | |
| Sun | 10:00 | 00:30 | | | |

C

| | | | |
|---|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) An occasional sporting event in the presence of an audience |
| Day | Start | Finish | |
| Mon | 10:00 | 00:30 | State any seasonal variations for indoor sporting events (please read guidance note 4) N/A – save as below 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) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) |
| Tue | 10:00 | 00:30 | |
| Wed | 10:00 | 00:30 | |
| Thur | 10:00 | 00:30 | |
| Fri | 10:00 | 00:30 | |
| Sat | 10:00 | 00:30 | |
| Sun | 10:00 | 00:30 | |
| | | | |

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 {Y}(please read guidance note 2). | Indoors | |
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) 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) | Both | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| 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 {Y} (please read guidance note 2). | Indoors | ✓ |
|---|-------|--------|--|----------|---|
| Day | Start | Finish | | Outdoors | |
| Mon | 10:00 | 00:30 | Please give further details here (please read guidance note 3) Live music will not be provided as standard operating procedure. The application to include live music is to allow one-off / occasional events and will be an ancillary activity provided. Any such provision will be controlled by management systems. This may be amplified or un-amplified State any seasonal variations for the performance of live music (please read guidance note 4) N/A – save as below 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) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | Both | |
| Tue | 10:00 | 00:30 | | | |
| Wed | 10:00 | 00:30 | | | |
| Thur | 10:00 | 00:30 | | | |
| Fri | 10:00 | 00:30 | | | |
| Sat | 10:00 | 00:30 | | | |
| Sun | 10:00 | 00:30 | | | |

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 {Y} (please read guidance note 2). | Indoors | ✓ |
|---|-------|--------|--|----------|---|
| Day | Start | Finish | | Outdoors | |
| Mon | 10:00 | 00:30 | Please give further details here (please read guidance note 3) Background music will normally only be provided by a managed music system. State any seasonal variations for playing recorded music (please read guidance note 4) N/A – save as below Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | Both | |
| Tue | 10:00 | 00:30 | | | |
| Wed | 10:00 | 00:30 | | | |
| Thur | 10:00 | 00:30 | | | |
| Fri | 10:00 | 00:30 | | | |
| Sat | 10:00 | 00:30 | | | |
| Sun | 10:00 | 00:30 | | | |

G

| Performances 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 {Y} (please read guidance note 2). | Indoors | ✓ |
|--|-------|--------|---|----------|---|
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | 10:00 | 00:30 | | | |
| Tue | 10:00 | 00:30 | Performance of dance or a similar activity – this will not be part of standard operational procedure but it is included for the purposes of occasional flexibility | | |
| Wed | 10:00 | 00:30 | State any seasonal variations for the performance of dance (please read guidance note 4) | | |
| Thur | 10:00 | 00:30 | N/A – save as below | | |
| Fri | 10:00 | 00:30 | Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | 10:00 | 00:30 | | | |
| Sun | 10:00 | 00:30 | When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | | |

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

I

| Provision of facilities for making music. Standard days and timings (please read guidance note 6) | | | Please give a description of the facilities for making music you will be providing | |
|---|-------|--------|---|---|
| | | | The normal facilities for making music will be on offer as conveniently available and as appropriate for this type of venue | |
| | | | Will the facilities for making music be indoors or outdoors or both – please tick {Y} (please read guidance note 2). | Indoors <input checked="" type="checkbox"/> |
| | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | | |
| Mon | 10:00 | 00:30 | Please give further details here (please read guidance note 3) | |
| Tue | 10:00 | 00:30 | Any such facilities for making music will be controlled by the management systems. | |
| Wed | 10:00 | 00:30 | State any seasonal variations for the provision of facilities for making music (please read guidance note 4) | |
| Thur | 10:00 | 00:30 | N/A – save as below | |
| Fri | 10:00 | 00:30 | Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sat | 10:00 | 00:30 | | |
| Sun | 10:00 | 00:30 | When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | |

J

| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | Will the facilities for dancing be indoors or outdoors or both – please tick {Y} (see guidance note 2). | |
|--|-------|--------|--|--|
| | | | Indoors <input checked="" type="checkbox"/> | |
| | | | Outdoors <input type="checkbox"/> | |
| | | | Both <input type="checkbox"/> | |
| Day | Start | Finish | | |
| Mon | 10:00 | 00:30 | Please give a description of the facilities for dancing you will be providing | |
| Tue | 10:00 | 00:30 | Facilities may be provided on limited occasions at the discretion of the management | |
| Wed | 10:00 | 00:30 | Please give further details here (please read guidance note 3) | |
| Thur | 10:00 | 00:30 | As stated in Part 3 above | |
| Fri | 10:00 | 00:30 | State any seasonal variations for providing dancing facilities (please read guidance note 4) | |
| Sat | 10:00 | 00:30 | N/A – save as below | |
| Sun | 10:00 | 00:30 | Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| | | | When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | |

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 | | |
| Day | Start | Finish | Will the entertainment facility be indoors or outdoors or both – please tick {Y} (please read guidance note 2). | Indoor | |
| | | | | Outdoor | |
| Mon | | | | Both | |
| Tue | | | Please give further details here (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | |

L

| | | | | | |
|---|-------|--------|---|--|---|
| 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 {Y} (please read guidance note 2). | Indoors | ✓ |
| Day | Start | Finish | | Outdoors | |
| Mon | 10:00 | 00:30 | Please give further details here (please read guidance note 3) | Both | |
| Tue | 10:00 | 00:30 | | To allow the provision of hot food and drinks for consumption on the premises at the manager's discretion and in the areas identified. | |
| Wed | 10:00 | 00:30 | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| Thur | 10:00 | 00:30 | N/A – save as below | | |
| Fri | 10:00 | 00:30 | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | 10:00 | 00:30 | | | |
| Sun | 10:00 | 00:30 | When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below) | | |

M

| | | | | | |
|--|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7) | On the premises | |
| | | | | Off the premises | |
| Day | Start | Finish | | Both | <input checked="" type="checkbox"/> |
| Mon | 10:00 | 00:30 | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Tue | 10:00 | 00:30 | | | |
| Wed | 10:00 | 00:30 | | | |
| Thur | 10:00 | 00:30 | 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) To permit the sale of alcohol and such regulated entertainment as authorised hereunder until 00.30 (if not otherwise granted pursuant to this application) on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Years Day and all Saints days. New Years Eve: 10:00 to New Years Day – terminal hour as proposed. The premises shall remain open to permit the sale of alcohol to residents in the adjoining Hotel 24 hours a day. | | |
| Fri | 10:00 | 00:30 | | | |
| Sat | 10:00 | 00:30 | | | |
| Sun | 10:00 | 00:30 | | | |

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

Name: Richard Walker (Nominee)

Address: Whitbread Group Plc, Whitbread Court, Houghton Hall Office Park, Porz Avenue, Dunstable.....
.....

Postcode LU5 5XA

Personal Licence number (if known):

Issuing licensing authority (if known):

N

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

NONE save for the presence of AWP machines, the use of which is not permitted by persons under the age of 18

O

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variation (please read guidance note 4) Please see box M above |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 07:00 | 01:00 | |
| Tue | 07:00 | 01:00 | |
| Wed | 07:00 | 01:00 | |
| Thur | 07:00 | 01:00 | Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) |
| Fri | 07:00 | 01:00 | The premises shall remain open 24 hours a day for residents in the adjoining Hotel. For non residents the premises will close 30 minutes after the end of non standard timings identified in box M above. |
| Sat | 07:00 | 01:00 | |
| Sun | 07:00 | 01:00 | |

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 15)

We have undertaken our own risk assessment to propose the following steps:-

The steps which we have identified in relation to the four licensing objectives are listed below

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

1. The use of doorstaff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose or for consumption in the adjacent hotel.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

c) Public safety

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

e) The protection of children from harm

1) The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

2) No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

3) Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the adjacent hotel.

4) There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

5) The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

6) Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Please tick ✓ Yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature: John Gaunt & Partners

Date: 30th April, 2007

Capacity: Solicitors

For joint applications signature of 2nd applicant 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: John Gaunt & Partners

Date:

Capacity: Solicitors

| | |
|---|----------------------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) John Gaunt & Partners Omega Court 372 Cemetery Road | |
| Post town Sheffield | Post code S11 8FT |

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Our Ref: NYP/952/Whitbread/270508

E-mail yorklicensing@northyorkshire.pnn.police.uk

Date: 27th May 2008

Mr J Lacy
Licensing Manager
Licensing and Regulation Services
City of York Council
9 St Leonard's Place
York

RECEIVED

28 MAY 2008

Dear Mr Lacy,

Application to Grant a Premises Licence Prudential Building, Blossom St, York

The North Yorkshire Police wish to make representation to the above application submitted by Whitbread Group PLC (dated 20th April 2008). This representation is made in the belief that the Licensing Objectives *Prevention of Crime and Disorder, Public Safety and Public Nuisance* would be undermined should the application be granted.

The application is made for a Premises Licence to be granted for "a food led public house". However, the application offers no further definition of "food led" other than to propose that it "is not offering a vertical drinking establishment".

The premises are situated in Blossom Street, York, within the city's *Cumulative Impact Zone (CIZ)* and on a recognised foot route to York Racecourse, which brings unique issues.

The CIZ is a specific zone identified by the Local Authority as having the highest levels of crime and disorder in the city centre. This area is subject to a "Special Policy" as detailed in the "City of York Council's Licensing Policy" (Part 6) and in accordance with the "Guidance issued under Section 182 of the Licensing Act 2003".

The Council's Licensing Policy states "this area has been identified as being under stress because the cumulative effect of the concentration of late night and drink led entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses". The policy also states "the effect of adopting a special policy is to create a rebuttable presumption that **applications for new premise licences** or material variations **will normally be refused**, if relevant representations to that effect are received".

It is felt that the granting of a new Premises Licence, to operate as a bar, with no defined meaning of "food led", would have serious implications on the, already stretched, policing of the CIZ.



Crime pattern analysis of the CIZ, carried out by Ian Cunningham (Crime Analyst, Safer York Partnership), shows that assaults, including Public Order offences, stood at 527 in financial year 2006/07. In financial year 2007/08, for the same area, such crimes rose to 640 (an increase of 21.44%). The number of all crimes in this area starts to increase from 2100hrs on both analyses.

Further analysis of the immediate area surrounding Blossom Street shows that assaults, including Public Order offences, have fallen over the same period. The Police believe this is due to the hard work of partners and Police working together in that area, maintaining the robust CIZ.

Although the application does propose certain conditions, it is the Police's view that some of these conditions are uncertain and therefore unenforceable. Wordings such as "*where appropriate*" and "*risk assessed on an ongoing basis*" do not guarantee the proposed conditions would ever be put in place.

There are concerns, in any event, over the wording of the proposed conditions b1, b5, c5, d1 & d2 which give rise to concerns about the *Prevention of Crime and Disorder, Public Safety and Public Nuisance*.

The application also gives no indication as to proposed occupancy figures but, having liased with the North Yorkshire Fire and Rescue Service, they state that an occupancy of 400 has been recommended.

Further analysis by the Crime Analyst has shown that Anti-Social Behaviour incidents (ASB) in the immediate area surrounding Blossom St has risen over the time scales analysed. Bringing an extra 400 people into the impact zone, of which 199 could be drinking without taking a meal, would influence further ASB issues.

Police resources are stretched dealing with incidents in the City Centre and another bar in the CIZ would add to the problem of policing the City Centre. To combat this the Police would have to bring additional officers into the City Centre. This could only be done by redeploying Officers from elsewhere across the City, to the detriment of Police cover in the rest of York.

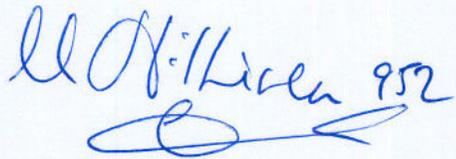
The attached reports illustrate the issues raised above:-

- i) Crime Analysis of the CIZ 2006/07
- ii) Crime Analysis of the CIZ 2007/08
- iii) ASB Incidents Analysis Blossom Street Area 2006/07
- iv) ASB Incidents Analysis Blossom Street Area 2007/08
- v) North Yorkshire Fire & Rescue Authority letter of recommendations dated 9th May 2008

In conclusion the Police believe that to grant the application would add to the cumulative effect of crime, disorder and public nuisance in the CIZ and would, therefore, suggest to the Licensing Committee that, under the terms of the Local Authority's Special Policy, the application should be refused.

Should you have any queries about this, or any other matter, then please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mick Wilkinson 952", with a stylized flourish underneath.

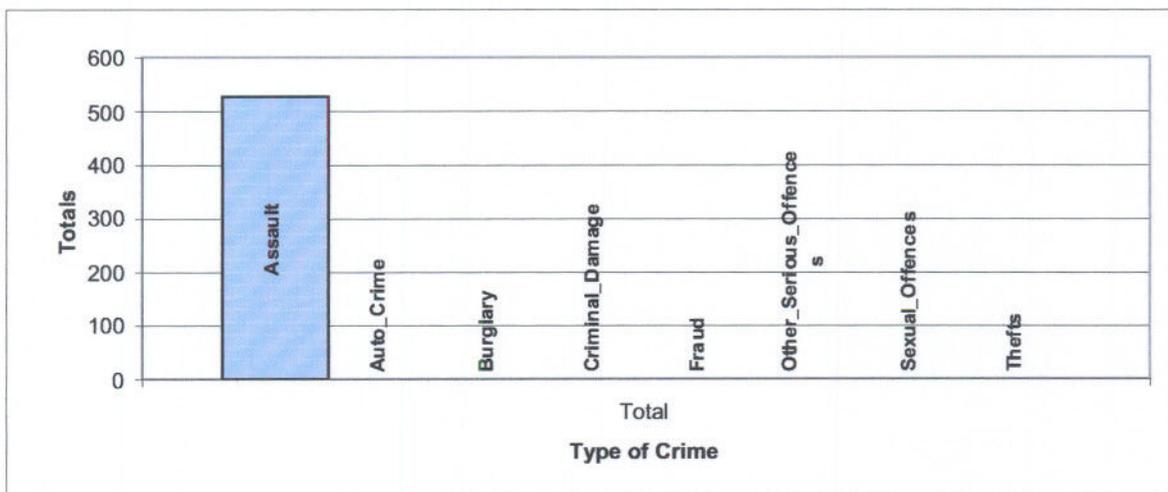
Mick Wilkinson
PC952
Central Area Licensing Unit
01904 551833
07802 385220

Architectural Liaison Officer Report

| | | |
|-------------------------------------|---|------------------------|
| Crime Analysis Study Area: | = | Cumulative Impact Area |
| Planning Application Reference: | = | |
| Size of Study Area from Application | = | CIZ |
| Study Period Start: | = | 01/04/2006 |
| Study Period End: | = | 31/03/2007 |
| Date Study Completed | = | 16/04/2007 |
| Number of Months in Study Period | = | 12 |
| Geocoding Accuracy Rate | = | 95% |

| Crime Group | Total |
|------------------------|------------|
| Assault | 527 |
| Auto_Crime | 0 |
| Burglary | 0 |
| Criminal_Damage | 0 |
| Fraud | 0 |
| Other_Serious_Offences | 0 |
| Sexual_Offences | 0 |
| Thefts | 0 |
| Grand Total | 527 |

A Table of Crime in the Study Area (Above) and corresponding Graph (Below)



A Table of Crime by Crime Group and then Crime Type

| EVENT_GROUP | HO_DESCRIPTION | Total |
|-------------|--|-------|
| ASSAULT | ASSAULT ON CONSTABLE | 14 |
| | COMMON ASSAULT ETC. | 54 |
| | HARRASSMENT | 2 |
| | OTHER WOUNDING ETC. | 245 |
| | POSSESSION OF WEAPONS WITH INTENT | 9 |
| | PUBLIC ORDER OFFENCES | 189 |
| | RACIALLY/RELIGIOUSLY AGGRAVATED HARRASSMENT | 1 |
| | RACIALLY/RELIGIOUSLY AGGRAVATED OTHER WOUNDING | 1 |
| | WOUNDING OR OTHER ACT ENDANGERING LIFE | 12 |
| Grand Total | | 527 |

A Table of Crime by Month of the Year and Hour of the Day in the Study Area

| Month | Total |
|-------|-------|
| Jan | 45 |
| Feb | 32 |
| Mar | 49 |
| Apr | 39 |
| May | 36 |
| Jun | 36 |

| Month | Total |
|-------|-------|
| Jul | 40 |
| Aug | 48 |
| Sep | 46 |
| Oct | 41 |
| Nov | 49 |
| Dec | 66 |

| Crime Day | Total |
|--------------------|------------|
| Mon | 48 |
| Tue | 37 |
| Wed | 42 |
| Thu | 52 |
| Fri | 74 |
| Sat | 161 |
| Sun | 113 |
| Grand Total | 527 |

Grand Total

527

Expected Average Crime per Month =

43.9

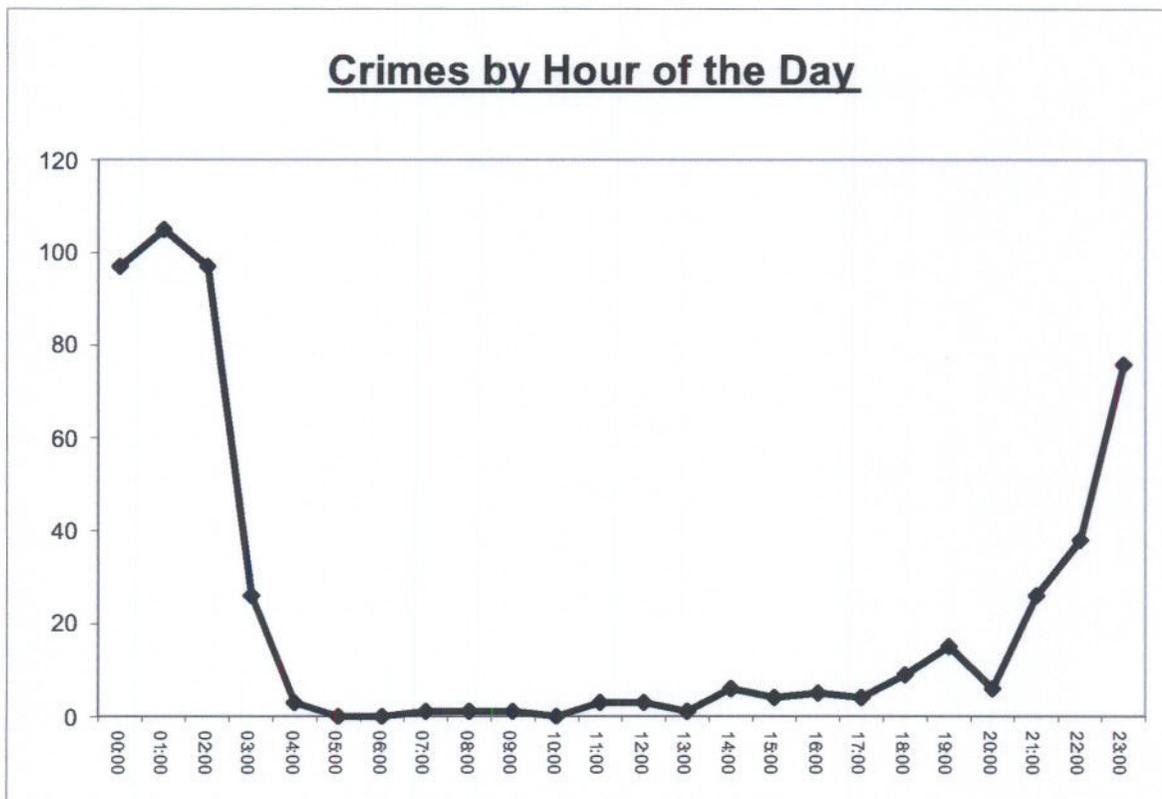
Expected Average Crime per Day =

75.3

A Table of Crime by Hour of the Day in the Study Area

| | 00:00 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | Total |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total | 97 | 105 | 97 | 26 | 3 | 0 | 0 | 1 | 1 | 1 | 0 | 3 | 3 | 1 | 6 | 4 | 5 | 4 | 9 | 15 | 6 | 26 | 38 | 76 | 527 |

Crimes by Hour of the Day

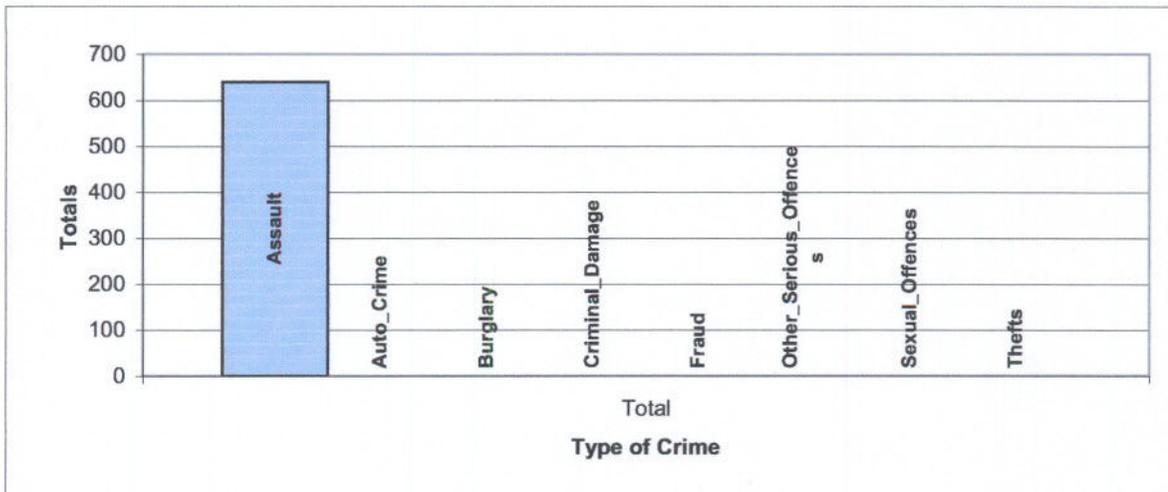


Architectural Liaison Officer Report

| | | |
|-------------------------------------|---|-------------------------------|
| Crime Analysis Study Area: | = | CUMULATIVE IMPACT AREA |
| Planning Application Reference: | = | VIOLENCE ONLY |
| Size of Study Area from Application | = | CIZ |
| Study Period Start: | = | 01/04/2007 |
| Study Period End: | = | 31/03/2008 |
| Date Study Completed | = | 22/05/2008 |
| Number of Months in Study Period | = | 12 |
| Geocoding Accuracy Rate | = | 95% |

| Crime Group | Total |
|------------------------|------------|
| Assault | 640 |
| Auto_Crime | 0 |
| Burglary | 0 |
| Criminal_Damage | 0 |
| Fraud | 0 |
| Other_Serious_Offences | 0 |
| Sexual_Offences | 0 |
| Thefts | 0 |
| Grand Total | 640 |

A Table of Crime in the Study Area (Above) and corresponding Graph (Below)



A Table of Crime by Crime Group and then Crime Type

| EVENT_GROUP | HO_DESCRIPTION | Total |
|-------------|--|-------|
| ASSAULT | ASSAULT ON CONSTABLE | 12 |
| | COMMON ASSAULT ETC. | 79 |
| | HARRASSMENT | 2 |
| | OTHER WOUNDING ETC. | 220 |
| | POSSESSION OF WEAPONS WITH INTENT | 6 |
| | PUBLIC ORDER OFFENCES | 309 |
| | RACIALLY/RELIGIOUSLY AGGRAVATED HARRASSMENT | 1 |
| | RACIALLY/RELIGIOUSLY AGGRAVATED OTHER WOUNDING | 2 |
| | THREAT OR CONSPIRACY TO MURDER | 7 |
| | WOUNDING OR OTHER ACT ENDANGERING LIFE | 2 |
| Grand Total | | 640 |

A Table of Crime by Month of the Year and Hour of the Day in the Study Area

| Month | Total |
|-------|-------|
| Jan | 30 |
| Feb | 41 |
| Mar | 54 |
| Apr | 47 |
| May | 65 |
| Jun | 63 |

| Month | Total |
|-------|-------|
| Jul | 66 |
| Aug | 65 |
| Sep | 51 |
| Oct | 44 |
| Nov | 42 |
| Dec | 72 |

| Crime Day | Total |
|--------------------|------------|
| Mon | 69 |
| Tue | 33 |
| Wed | 45 |
| Thu | 61 |
| Fri | 96 |
| Sat | 176 |
| Sun | 160 |
| Grand Total | 640 |

Grand Total

640

Expected Average Crime per Month =

53.3

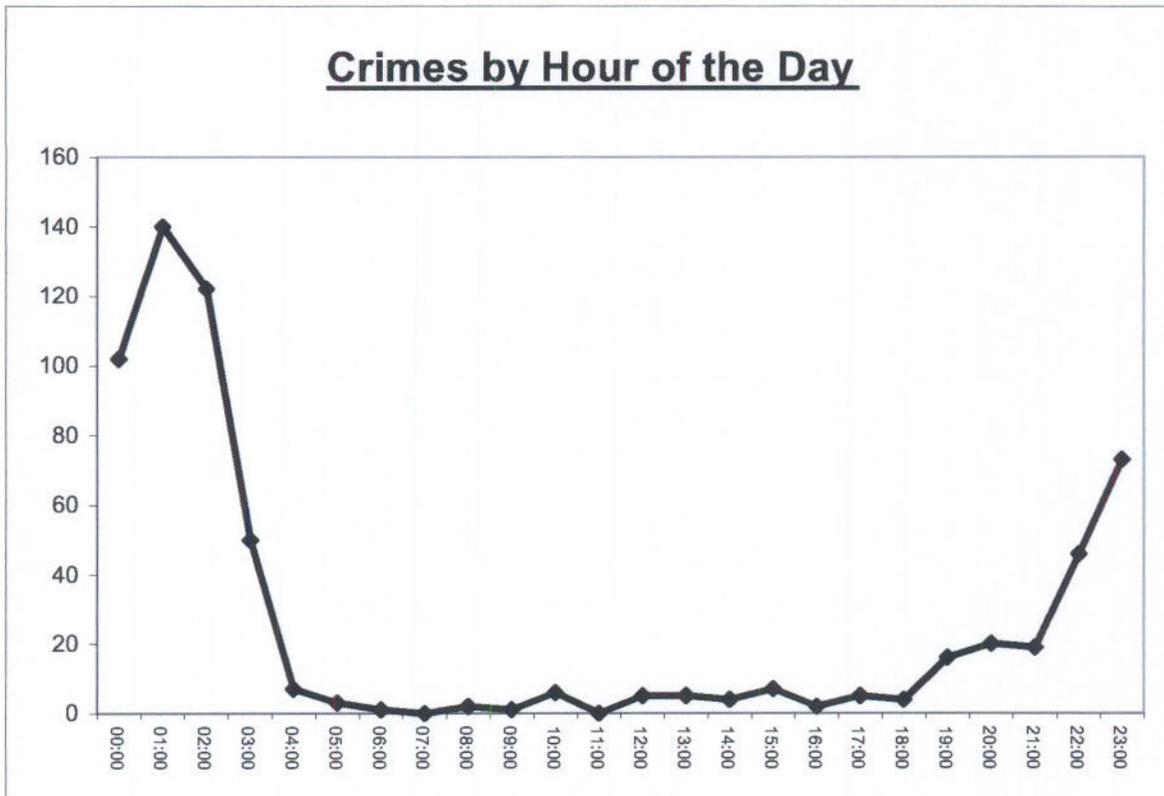
Expected Average Crime per Day =

91.4

A Table of Crime by Hour of the Day in the Study Area

| | 00:00 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | Total |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total | ## | ## | ## | 50 | 7 | 3 | 1 | 0 | 2 | 1 | 6 | 0 | 5 | 5 | 4 | 7 | 2 | 5 | 4 | 16 | 20 | 19 | 46 | 73 | 640 |

Crimes by Hour of the Day

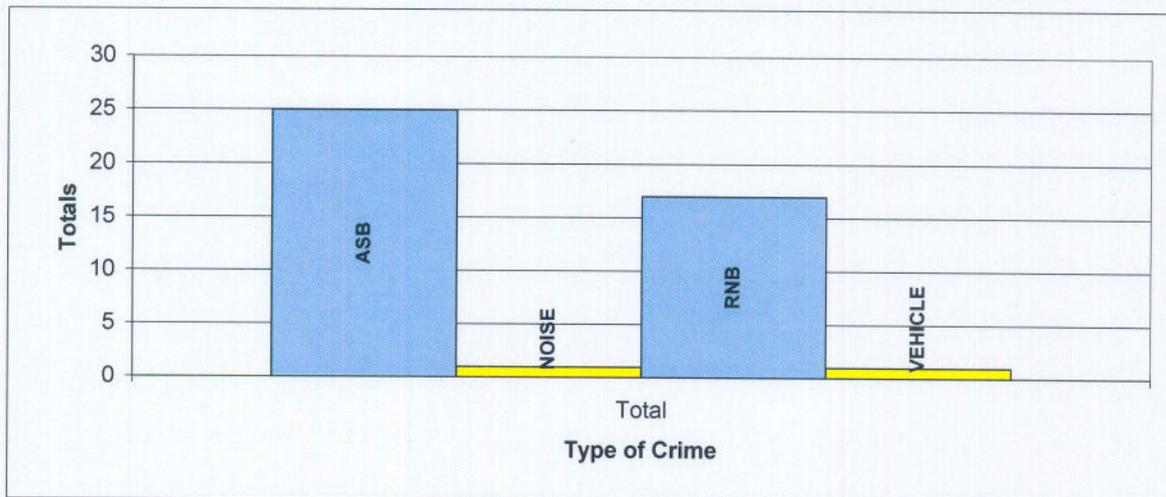


NYP ASB General Incidents Report

| | | |
|-------------------------------------|---|-------------------------------------|
| ASB Analysis Study Area: | = | Old Prudential House Blossom Street |
| Planning Application Reference: | = | Licensing |
| Size of Study Area from Application | = | 100m Radius of Site |
| Study Period Start: | = | 01/05/2006 |
| Study Period End: | = | 31/03/2007 |
| Date Study Completed | = | 19/05/2008 |
| Number of Months in Study Period | = | 11 |
| Geocoding Accuracy Rate | = | 95% |

| ASB Incident Group | Total |
|--------------------|-----------|
| ASB | 25 |
| NOISE | 1 |
| RNB | 17 |
| VEHICLE | 1 |
| Grand Total | 44 |

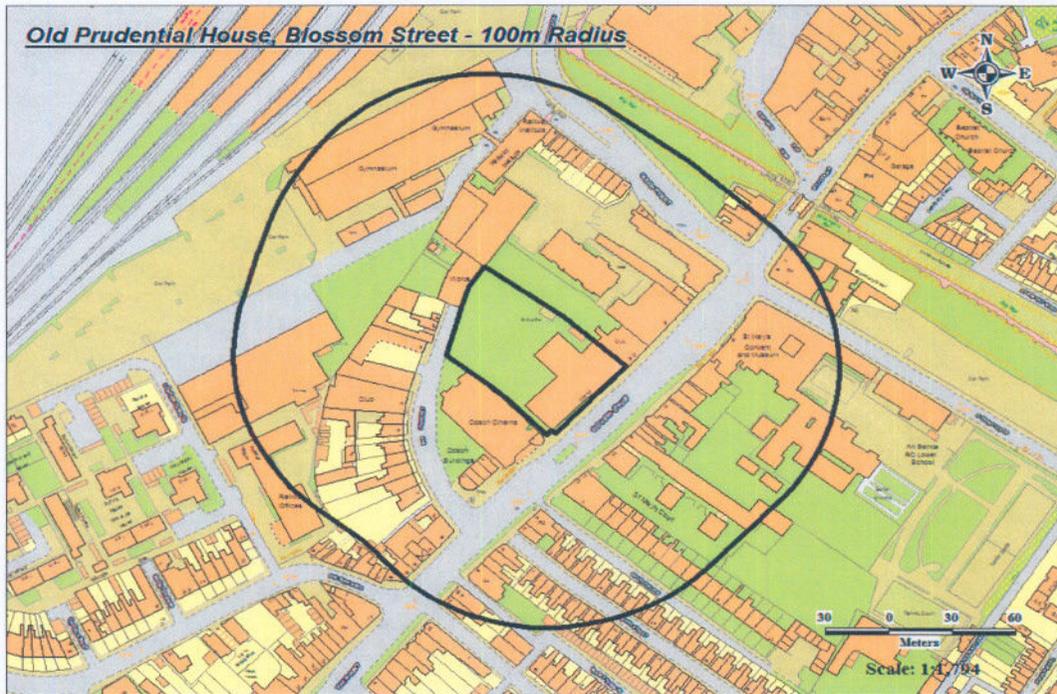
A Table of NYP ASB Incidents in the Study Area (Above) and corresponding Graph (Below)



THIS REPORT DOES NOT CONTAIN ANY NORTH YORKSHIRE POLICE ASB INCIDENTS THAT HAVE BEEN CONVERTED IN TO CRIMES

A Table of ASB by ASB Group and then Incident Heading

| EVENT_GROUP | INCIDENT_HEADING | Total |
|-------------|------------------|-------|
| ASB | BEGGING | 1 |
| | BEHAVIOUR | 19 |
| | COMMS | 2 |
| | DRINKING | 3 |
| NOISE | NOISENUIS | 1 |
| RNB | BEHAVIOUR | 17 |
| VEHICLE | VEHNUISAN | 1 |
| Grand Total | | 44 |



FURTHER DETAIL OF THE ABOVE DESCRIPTIONS ARE AS FOLLOWS: ABANDONED = ABANDONED CARS, COMMS = COMMUNICATIONS, VEHNUISANCE = VEHICLE NUISANCE, RNB = ROWDY AND NUISNCE BEHAVIOUR, SUBMIS = SUBSTANCE MISUSE

A Table of ASB Incidents by Month of the Year and Hour of the Day in the Study Area

| Month | Total |
|-------|-------|
| Jan | 8 |
| Feb | 8 |
| Mar | 0 |
| Apr | 0 |
| May | 3 |
| Jun | 2 |

| Month | Total |
|-------|-------|
| Jul | 1 |
| Aug | 2 |
| Sep | 5 |
| Oct | 9 |
| Nov | 3 |
| Dec | 3 |

| Day | Total |
|--------------------|-----------|
| Mon | 11 |
| Tue | 6 |
| Wed | 7 |
| Thu | 1 |
| Fri | 8 |
| Sat | 7 |
| Sun | 4 |
| Grand Total | 44 |

Grand Total

44

Expected Average Incidents per Month =

4

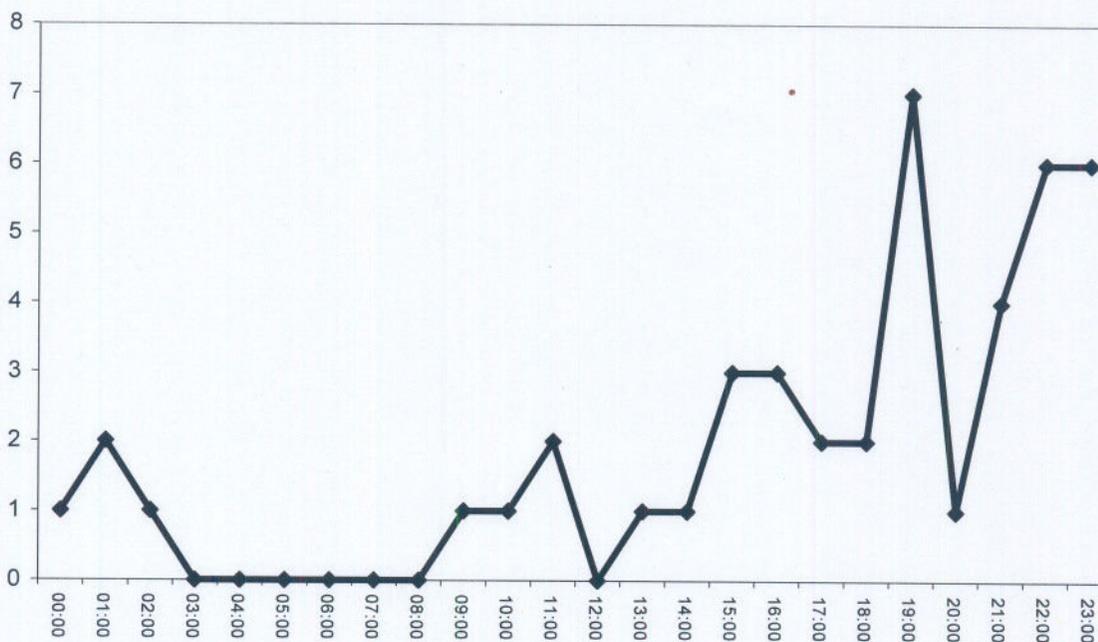
Expected Average Incidents per Day =

6.29

A Table of NYP ASB Incidents by Hour of the Day in the Study Area

| | 00:00 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | Total |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 0 | 1 | 1 | 3 | 3 | 2 | 2 | 7 | 1 | 4 | 6 | 6 | 44 |

NYP ASB Incidents by Hour of the Day

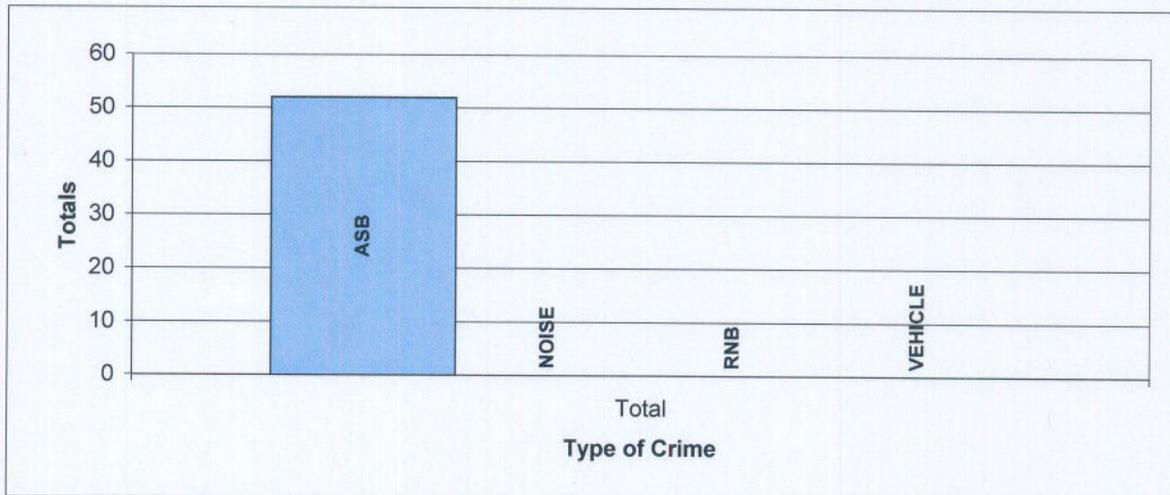


NYP ASB General Incidents Report

| | | |
|-------------------------------------|---|-------------------------------------|
| ASB Analysis Study Area: | = | Old Prudential House Blossom Street |
| Planning Application Reference: | = | Licensing |
| Size of Study Area from Application | = | 100m Radius of Site |
| Study Period Start: | = | 01/04/2007 |
| Study Period End: | = | 31/03/2008 |
| Date Study Completed | = | 19/05/2008 |
| Number of Months in Study Period | = | 12 |
| Geocoding Accuracy Rate | = | 95% |

| ASB Incident Group | Total |
|--------------------|-----------|
| ASB | 52 |
| NOISE | 0 |
| RNB | 0 |
| VEHICLE | 0 |
| Grand Total | 52 |

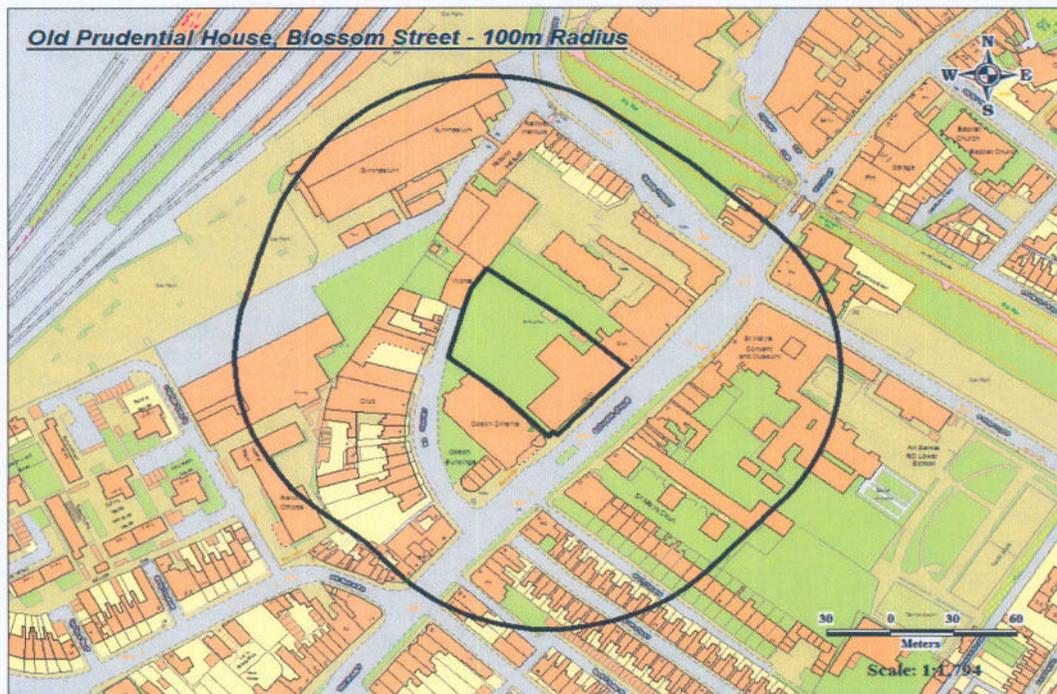
A Table of NYP ASB Incidents in the Study Area (Above) and corresponding Graph (Below)



THIS REPORT DOES NOT CONTAIN ANY NORTH YORKSHIRE POLICE ASB INCIDENTS THAT HAVE BEEN CONVERTED IN TO CRIMES

A Table of ASB by ASB Group and then Incident Heading

| EVENT_GROUP | INCIDENT_HEADING | Total |
|-------------|------------------|-------|
| ASB | ABANDONED | 2 |
| | BEHAVIOUR | 48 |
| | VEHNUISAN | 2 |
| Grand Total | | 52 |



FURTHER DETAIL OF THE ABOVE DESCRIPTIONS ARE AS FOLLOWS: ABANDONED = ABANDONED CARS, COMMS = COMMUNICATIONS, VEHNUISANCE = VEHICLE NUISANCE, RNB = ROWDY AND NUISNCE BEHAVIOUR, SUBMIS = SUBSTANCE MISUSE

A Table of ASB Incidents by Month of the Year and Hour of the Day in the Study Area

| Month | Total |
|-------|-------|
| Jan | 4 |
| Feb | 5 |
| Mar | 5 |
| Apr | 1 |
| May | 2 |
| Jun | 3 |

| Month | Total |
|-------|-------|
| Jul | 6 |
| Aug | 8 |
| Sep | 6 |
| Oct | 3 |
| Nov | 4 |
| Dec | 5 |

| Day | Total |
|--------------------|-----------|
| Mon | 5 |
| Tue | 7 |
| Wed | 8 |
| Thu | 10 |
| Fri | 11 |
| Sat | 6 |
| Sun | 5 |
| Grand Total | 52 |

| | |
|--------------------|-----------|
| Grand Total | 52 |
|--------------------|-----------|

| |
|-----------|
| 52 |
|-----------|

Expected Average Incidents per Month =

4.33

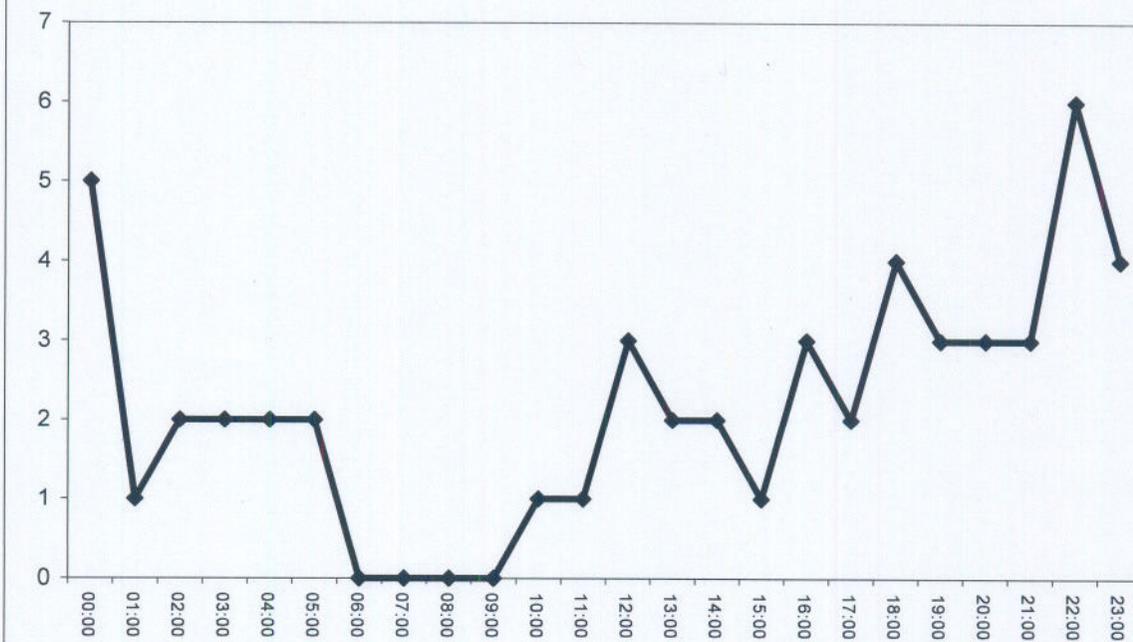
Expected Average Incidents per Day =

7.43

A Table of NYP ASB Incidents by Hour of the Day in the Study Area

| | 00:00 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | Total |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total | 5 | 1 | 2 | 2 | 2 | 2 | 0 | 0 | 0 | 0 | 1 | 1 | 3 | 2 | 2 | 1 | 3 | 2 | 4 | 3 | 3 | 3 | 6 | 4 | 52 |

NYP ASB Incidents by Hour of the Day



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

Your Reference:
My Reference:
00123066 01 hah

**York Fire Station
Clifford Street
York
YO1 9RD**

When telephoning please ask for:
Miss Hilary Hustwick

Telephone: 01904 625272
Fax:
9 May 2008

Dear Sir/Madam

LICENSING ACT 2003

Applicant/Licensee: Whitbread Group Plc

Premises: Premier Lodge Blossom Street York YO24 1AJ



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

The Fire Authority wish to make representations on the grounds of Public Safety.

The sliding door entrance to the lobby area of the premier lodge should be on a fail safe device on actuation of the fire alarm system.
The occupancy figure 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.

Yours faithfully,

(On behalf of the North Yorkshire Fire and Rescue Authority)

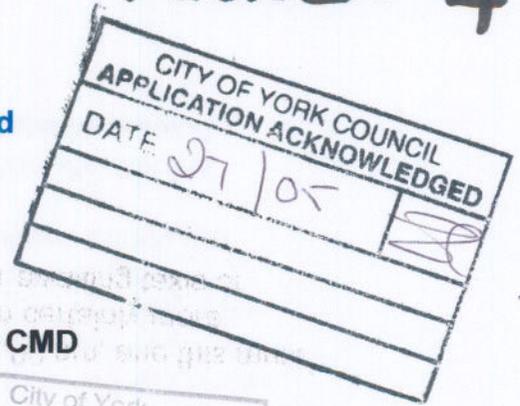
Licensing Department
City of York Council
9 St Leonards Place
Exhibition Square
York

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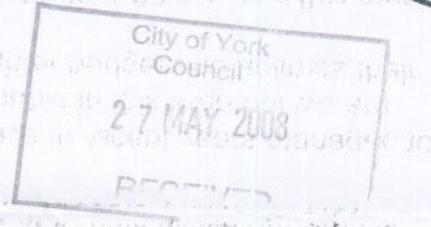
New York Club & Institute Limited
22-26 Blossom Street
York
YO24 1AJ
01904 612244

newyorkclub@btconnect.com

Secretary: *Frank A Healy* BA HND CMD



Licensing Dept
City of York Council
9 St Leonard's Place
York
YO1



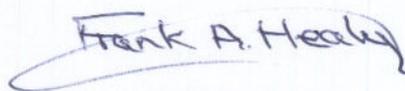
Dear Sir/Madam

With regard to the proposed development of the former Prudential House, at 28-40 Blossom Street York, as a business that has been located here for more than eighty years, we would like to object to this development on the following grounds;

- Our property is, as well as being commercial, the residence of our Club Steward and his family and we believe that increased noise factor in the early hours of the morning will have a detrimental effect on their home life.
- We believe that our area is encompassed by the Cumulative Impact Zone and feel that the Micklegate area already has enough licensed premises.
- In light of the proposed Alcohol Disorder Zones, we are going to be swept into even tougher times in this industry and we feel that this proposed new bar greatly increases the likelihood of disorder in the area.
- Most of us who have lived in York for a lengthy period have memories of the infamous 'Micklegate Run' and the problems that were created during this rather notorious spell.
- When taken in conjunction with the reopening of the old Odeon cinema until the early hours of a morning the risk of trouble within our area is vastly increased.
- According to recent reports the police have in recent years managed to deal with the more rowdy elements of trouble in this area but we are also aware that they are running on a tighter budget and at times their resources are severely strained.
- There are obviously no buses running at 12.30-1.00 am, and this must surely give rise to many more, if not drunken then certainly more boisterous, people in the area late at night, either awaiting taxis or merely congregating outside.

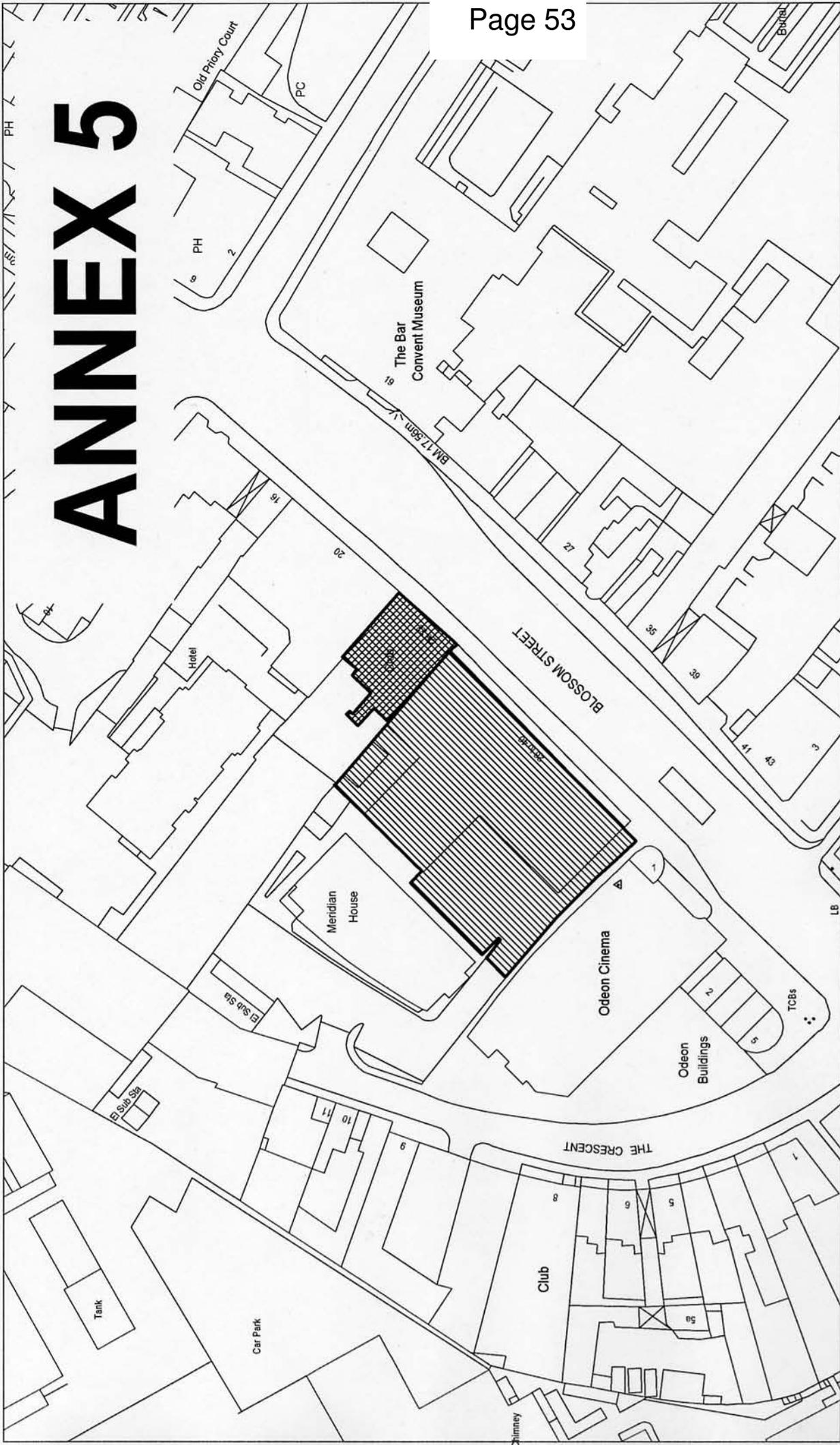
- Do we also expect the takeaway's to request even longer trading hours? This would surely result in more litter and younger people wandering aimlessly late at night.
- Do we really need another licensed premise that opens during the hours of '10.00am until 12.30am.....with longer hours at Bank Holidays and other periods'? That market is surely already very well-served in the centre of York. We could have requested later opening hours when our application was made under the Licensing Act but we do not believe that there is a need in this area for longer hours, apart from the Christmas and New Year periods.
- Whilst we can fully understand the need for more hotel accommodation in the area, with a residential licence, and in actual fact fully support this ideal we most passionately object to a new bar in the area and the undoubted disruption it will cause.

Yours faithfully

A handwritten signature in blue ink that reads "Frank A. Healy". The signature is written in a cursive style and is underlined with a single blue stroke.

Frank A Healy

ANNEX 5



DATE 10/6/2008
 Drawing No. PHBS1
 Project

SCALE: 1:1000
 DRAWN BY: PSL
 Originating Group:

22 - 40 BLOSSOM STREET

CITY OF YORK COUNCIL
 9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 651550

-  Proposed Hotel Site
-  Existing 'New York Club & Institute'

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 City of York Council LA 1000 2008

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CITY CENTRE SPECIAL POLICY STATEMENT

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

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

This Special Policy relates to the following streets:

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

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

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

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

Effects of the Special Policy

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

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

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

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

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

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

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

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

**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003****MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

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

MANDATORY CONDITION: EXHIBITION OF FILMS

- (1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

MANDATORY CONDITION: DOOR SUPERVISION

- (1) In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

PROHIBITION CONDITIONS: PLAYS

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

Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; and ss19, 20 and 21 mandatory conditions.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives and Paragraph 8.28 Steps to promote the licensing objectives.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

NOTE FOR MEMBERS

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

Related Legislation and Strategies

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

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

Hours of Trading

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

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

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