
Meeting	Licensing/Gambling Hearing
Date	25 March 2014
Present	Councillors Gillies, McIlveen and Richardson
In attendance	Councillors Ayre and Boyce

66. Chair

Resolved: That Councillor Gillies be elected as Chair of the meeting.

67. Introductions

68. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. Councillor McIlveen declared a personal interest as some of the representors were known to him.

69. Minutes

Resolved: That the minutes of the Licensing Hearings held on 4 November 2013 and 10 December 2013 be approved and signed as a correct record.

70. The Determination of an Application by City of York Council for a Premises Licence Section 18(3)(a) in respect of Monk Stray, Malton Road, York. (CYC-023066)

Members considered an application by City of York Council for a premises licence in respect of Monk Stray, Heworth, York.

Members took into consideration all of the evidence and submissions that were presented to them and determined their

relevance to the issues raised and the licensing objectives. The following were taken into account:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and her comments made at the Hearing. She advised that the application was for a premises licence for Monk Stray and was for a maximum of 14 days per year. The application for late night refreshment had now been withdrawn. The proposed licensable area was shown on maps that had been tabled at the hearing. North Yorkshire Police had met with the applicant who had agreed to some amendments to the application and a number of extra conditions being included in the licence if granted. Consultation had been carried out correctly.
3. The Applicant's representations at the Hearing, including:
 - Details of the consultation had taken place with the Police, Ambulance Service and residents
 - The application for late night refreshments had been withdrawn
 - The licensable area had now been amended
 - The activities would be in accordance with the City of York Council Events Protocol
 - The Council currently held licences for similar areas in the city and the licensing of Monk Stray would bring the stray in line with these
 - If the licence were granted for 14 days a year it would eliminate the costs incurred in applying for a licence should it be decided to hold events in the future. No such events were currently under consideration but a 14 day licence would provide a level of flexibility.
 - The stray would only be used to host family orientated events
 - Arrangements would be in place regarding traffic management and parking
 - The stewarding arrangements that would be in place
 - The action that would be taken to clear the site following the event and to put right any damage caused.

- The measures that had been put in place regarding safety and to provide safe access to the stray
4. The representations made in writing by 286 people, as detailed in Annex 4 of the report. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objectives listed above.
 5. The representations made by at the hearing by Councillor Ayre, Councillor Boyce and Mr Julian Sturdy MP and by local residents. Issues raised included:
 - Concerns regarding public safety and crowd management
 - Traffic management and parking and access for emergency vehicles
 - Nuisance for residents in the area, including noise, litter and anti-social behaviour
 - Concerns that a 14 day licence could result in events being held regularly through the summer months
 - Concerns regarding the consultation on the application
 - Difficulties in enforcing conditions because of the open nature of the stray

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for and including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was rejected as the Sub-Committee considered that it was necessary to add or modify conditions to meet the Licensing Objectives.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003 as amended. This option was approved as

the Sub-Committee considered there to be reason to modify or add any conditions to meet the Licensing Objectives.

Option 3: Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was rejected as the Sub-Committee considered there was no reason to exclude any of the licensable activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

Option 4: Reject the application. This option was rejected as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

In coming to their decision of approving the above Option 2 the Sub-Committee then imposed the following conditions:

The licence was granted for Sunday 6 July 2014 only (a licence is not required for setting up and closing down the event).

Plays, films, live music, performance of dance and anything similar licensed from 9:00am to 11:00pm.

Recorded music licensed from 8:00am to 11:00pm.

Sale of alcohol licensed from 12:00 noon to 8:00pm

- (a) Event organisers shall submit a completed copy of the form "Notification for Provision of Live Amplified Music for Event booked on City of York Council Controlled Land", together with a detailed plan showing exact layout of the site and proposed sound monitoring locations at least 28 days before the event. A copy shall be sent to the Environmental Protection Unit and also the Licensing Unit. The notification shall include a sample of the leaflet to be sent to comply with the condition below and which addresses will receive the leaflet.
- (b) Prior to an event, noise sensitive premises in close proximity shall be leafleted about the event, information shall include details of the performance times and any sound checks taking place. Contact telephone numbers for a representative of the organiser shall be provided in

any leaflets/letters distributed to premises in the vicinity. On receipt of complaints, the event organiser shall ensure that all complaints are dealt with in accordance with the Complaints Procedure Document.

- (c) The event organiser shall appoint a responsible person who will undertake regular monitoring of the noise from the event. This person will undertake a documented sound check prior to or at the start of the event to ensure that the sound levels are acceptable. The documented patrols shall be undertaken at least once per hour, or for each separate act taking place, whichever is the more frequent. The monitoring at each location shall be for a representative period whilst the act is taking place (at least 5 minutes) and the observations shall be recorded on the Sound Monitoring Log Sheet. The actions taken shall be dependent on the observations made by the designated responsible person and shall be in accordance with the actions stated on the monitoring log sheet.
- (d) For all events at which alcohol is to be sold a 28 day notification shall be given to the police. The police will have the right to veto such sales upon submission of written, reasonable and justified grounds served within 14 days of the event. The date of notification and the date of the commencement of the event shall not form part of the 14 or 28 day notification period.
- (e) For all events where alcohol is to be sold Front Line Door Supervisors shall be deployed at all entrance points leading to where alcohol is available for sale and consumption.
- (f) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the number of Door Supervisors depending on the style of the event.
- (g) On-sales of alcohol shall be in open non glass vessels and containers only, which will include the decanting of alcohol where necessary.
- (h) On-sales of alcohol shall be ancillary to the event i.e. there shall be no events (civil, military, family events as

per the Operating Schedule) that are based on the sale of alcohol.

- (i) Off-sales shall be made in sealed containers.
- (j) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for a period of at least 3 months from the end of the event.
- (k) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- (l) Signage advertising the above condition shall be displayed at all points where alcohol is offered for sale.
- (m) There shall, be a litter pick of the premises and its immediate vicinity upon the conclusion of the event or daily conclusion should the event be held over a number of days, with particular emphasis on any glass items that have been brought onto the site by customers.

The Sub-Committee then imposed the following additional conditions as agreed with the applicant and North Yorkshire Police and amended by the Sub-Committee:

1. There shall be no camping style vehicles allowed on the licensable area.
2. The provision of alcohol shall be ancillary to the provision of any other licensable activity (for the purpose of clarity the broadcast of a live televised event is not a licensable activity).
3. There shall be no off sales.
4. The provision of alcohol shall be in a clearly defined bar area. The footprint of this area shall be bordered at all times by a semi-permanent barrier.
5. The clearly defined bar area and main toilet area shall be positioned to the south end of the licensable area (for the purpose of clarity this being the area of the licensable area

bounded by Stockton Lane and Malton Road).

6. For all events where alcohol is sold Front Line Door Supervisors shall be deployed at all entrance points leading to this clearly defined area where alcohol is available for sale and consumption.
7. All sales of alcohol shall be in open non-glass vessels and containers, which will include the decanting of alcohol where necessary.
8. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
9. Such records shall be kept for at least three months and they will be made available immediately upon a reasonable request from any responsible authority.
10. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the licensed area.
11. Both documents (referred to in the above condition) shall be kept for at least three months and they will be made available immediately upon a reasonable request from any responsible authority.
12. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
13. Signage advertising the above condition shall be displayed at all points alcohol is offered for sale.
14. An Event Management Plan shall be submitted to the Police, Environmental Protection Unit and the local Safety Advisory Group at least 6 full weeks (42 days) prior to the event. For the purpose of clarity the day of submission and day of the event does not count towards the 42 day period.
15. The Event Management Plan shall include the following:-
 - Proposals for staff deployment/defined duties and responsibilities/numbers of staff working the event
 - Details of the licensable activities undertaken
 - Numbers and identification (if available) of Stewards/SIA Door Supervisors
 - Demographics of proposed attendees
 - Details of the reporting procedure for any issues
 - A plan to prevent noise nuisance for nearby residents
 - A site plan showing all features of the event layout
 - A traffic management plan

- Details of the medical/first aid procedures
 - Details of the Safety Officer and how he/she will:-
 - Assist emergency services in the event of a full scale evacuation
 - Monitor crowd control
 - Co-ordinate the initial response to any emergency
 - Liaise with emergency services
16. An Incident Log shall be kept documenting all incidents/issues dealt with on the day of the event.
 17. A two way radio system between the Event Organiser, Stewards and Door Supervisors shall be in operation at all times the event is in operation.
 18. There shall be a pre-nominated Event Management Team who shall be contactable on a staffed mobile phone number at all times the event is in operation.
 19. A representative of the premises licence holder shall attend a Safety Advisory Group meeting which will be held after the Event Management Plan has been submitted.

The following conditions shall apply to customers' own consumption of alcohol whilst on the licensable area:-

20. There shall be compulsory decanting of all drinks into plastic vessels (including any wine bottles and cans)
21. There shall be no excessive amounts of alcohol to be brought on site (i.e. more than for personal consumption only).
22. Signage to indicate the compulsory decanting and no excessive amounts of alcohol shall be placed at all recognised entrances.
23. There shall be SIA Door Supervisors (at least one) specifically deployed to monitor patron's own consumption of alcohol with particular regard to drunkenness and underage drinking.
24. Patrons will not be allowed to bring their own alcohol into the clearly defined bar area.
25. There shall be a challenge 25 policy applied to young people who are consuming their own alcohol.
26. There shall be mandatory confiscation of alcohol and eviction from the site for any person who cannot prove they are over the age of 18 years (suitable ID being as listed in condition 13)

All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises

licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached, which addressed representations made both in writing and at the hearing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

These conditions come into effect immediately.

Reason for the Decision:

The Sub-Committee considered carefully the application for the grant of a premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy, Human Rights legislation and representations, both written and given orally by the applicant and all representors.

The Sub-Committee noted that the premises are situated close to residential properties. They accepted the representations of the residents who gave evidence at the hearing and in writing that the licensable activities would be likely to give rise to parking problems, noise nuisance and crime and disorder. The Sub-Committee was concerned that there was not adequate access for emergency vehicles. It was also very concerned that it did not have sufficient information about the sort of family events that were likely to take place at the premises, other than the Tour de France event planned for 6 July 2014.

The Sub-Committee noted the applicant's desire for a licence that permitted 14 days of licensable activities per year in order to bring the licence into line with the Council's other licensed public open spaces and the wish to avoid the costs of a further application. However this was not a matter of any weight with regard to the promotion of the licensing objectives.

The Sub-Committee took into account the efforts made by the applicant in the operating schedule and the additional conditions agreed with the Police to control crime and disorder and

disturbance to local residents. However, the Sub-Committee considered that despite the applicant's best efforts to minimise disturbance to residents, it was necessary to limit the duration of the licence to the planned Tour de France event on 6 July 2014 only, in order to protect the amenity of local residents. This is because it was considered that conditions would not be sufficient to address the residents' concerns in respect of a licence of unlimited duration that would permit 14 days of licensable activities per year.

The Sub-Committee imposed the above-mentioned conditions in respect of the Tour de France event planned for 6 July 2014 as being proportionate and appropriate to meet the licensing objectives:

Resolved: That Members determined the application in line with Option 2.

Reason: To address the representations made.

Chair

[The meeting started at 10.00 am and finished at 1.45 pm].