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| Meeting | Licensing Hearing |
| Date | 2 February 2015 |
| Present | Councillors Aspden, Funnell and Horton |

39. Chair

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

40. Introductions

41. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

42. Minutes

Resolved: That the minutes of the Licensing Hearing held on 24th April 2014 be approved and signed by the Chair as a correct record.

43. The Determination of an Application by Project York Ltd for a Premises Licence Section 18(3)(a) in respect of Units 8, 10 & 12 Stonebow House, The Stonebow, York, YO1 7NP (CYC-052492)

Members considered an application by Project York Ltd for a premises licence in respect of units 8, 10 and 12 Stonebow House, The Stonebow, York.

In coming to their decision, Members took into consideration all of the evidence and the 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.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 8-12 Stonebow House, the former Fibbers site. The applicant had met with North Yorkshire Police and agreed a number of conditions. The Council's Environmental Protection Service had also requested that a number of conditions be placed on the Licence, if granted, which the applicant had also agreed to. Consultation had been carried out correctly.
3. The representations made by the applicants solicitor at the hearing. He advised that the venture would be managed by a new company unrelated to the operators of Fibbers. The concerns raised by the representors in their letters had arisen from Fibbers and the documents tabled at the hearing explained that the style of operation being proposed would not be dance or drink led. The premises intends to operate a strong door policy and carry out regular noise patrols.
4. The representations made in writing and at the hearing by local residents. They raised concerns about noise from the venue when it was managed by the previous operators and they were keen to see controls put in place to prevent a similar situation with the new venue. They had particular concerns about noise escaping from the rear exits and the large number of people leaving the venue late at night.
5. The representations made on behalf of the Lady Hewleys Trust in writing and at the hearing. The representative advised that a number of elderly ladies resided in the nearby Alms houses and that in the past they had been disturbed by noise in the area late at night. Concerns were also raised about the area and gardens being used for drug related and other anti social activities.

The Sub-Committee were presented with the following options:

Option 1 Grant the licence in the terms applied for.

Option 2 Grant the licence with modified/additional conditions.

Option 3 Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.

Option 4 Reject the application.

Members chose Option 2 and granted the licence with the modified/additional conditions as agreed with North Yorkshire Police and the Councils environmental Protection Unit:

CCTV

1. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
2. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
3. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises and entrances/exits & outside designated smoking areas (excluding toilets).
4. The CCTV system recordings must be kept for a minimum of 28 days.
5. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
6. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
7. The cameras which provide identification images should be lit to provide true colour rendition.

DOOR SUPERVISORS

8. Door Supervisors shall wear their SIA badge on their outer clothing at all times when on duty
9. There shall be a minimum of one door supervisor for up to 200 occupancy on duty at the premises at all times when

open to the public. Thereafter there shall be one SIA door supervisor per 100 additional people or part thereof.

10. Where door supervisors are on duty they shall sign in and out of the premises log book, providing full details of their name and SIA number.
11. Whenever door supervisors are on duty at the premises, they must keep a count of the number of persons inside the premises and written records of these figures must be kept for at least one calendar month. [For the avoidance of doubt, the one month period relates to each respective count taken and the period runs from the date of each particular record].
12. The premises DPS is responsible for risk assessing the numbers of door personnel required at the venue. Special consideration should be given to the need for additional doorstaff on Racedays, Fridays, Saturdays or bank holidays or other locally or nationally significant events.
13. The Duty Manager is responsible for ensuring that sufficient staff are employed at the entrance to the premises at all times to minimise the impact of customers queuing outside the premises and for the safe passage by non-customers passing the premises on the adjacent highway / public pavement.
14. All managers and door supervisors shall be in radio communication with each other at all times to ensure a swift response to incidents on the premises. The management is responsible for ensuring that radios are maintained in a good working order at all times.
15. Customers who refuse to be searched, as a condition of entry, shall be refused entry to the premises.
16. A door entry policy will be in place, which includes procedures for search and seizure of weapons and illegal substances.

GENERAL

17. The premises shall possess and use the local night-time economy radio system (where this system is in operation). The radio shall be turned on used by staff at the premises at all times the venue is open for licensable activities.
18. The venue will be regarded as a destination venue and alcohol is ancillary to the customer's main purpose of visiting, namely the enjoyment of music orientated events.
19. The venue shall operate Challenge 25 age verification policy & display posters confirming such in prominent locations at the entrance & points of sale for alcohol.
20. The venue will operate a stamp or wrist-band scheme so that anyone over 18 years of age will have to have this identity on them for the purchase of alcohol.
21. Appropriate risk assessments will be carried out specific to the type of event being held at the premises.
22. The General Manager or Assistant General Manager will be on the premises at all times.
23. On any day when the premises operate for the sale of alcohol to 04:00 hours, the last entry to the premises by members of the public will be 03:00 hours. This will not apply to persons who leave the premises after the last hour of entry for the purpose of using the designated smoking area and then return to the premises.
24. A Refusal Register / Incident Report book shall be maintained for the premises. Such registers 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 premises. Such Registers shall be kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in a Register and runs from the date of that particular entry in the Register].

25. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- retail sale of alcohol;
 - age verification policy;
 - conditions attached to the Premises Licence;
 - permitted licensable activities;
 - the licensing objectives; and
 - opening times for the venue.
- with such records being kept for a minimum of one year.
[For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

26. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

27. Customers shall not be permitted to take their drinks outside of the premises after 23:00 with the exclusion of purchases of alcohol made online for home delivery (*time amended from midnight to 23:00 to comply with same condition suggested by EPU*).

28. Alcoholic drinks purchased on the premises may only be taken off the premises or out of the designated smoking area in sealed containers.

Conditions agreed with the Council's Environmental Protection Unit

29. All windows and doors shall be kept closed whilst live or recorded music is playing, except when being used for ingress and egress.

30. Noise from amplified music must not be audible at the nearest noise sensitive facade.

31. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours that live or recorded music is playing. These checks shall be undertaken outside the building to the front and rear to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with condition 30. Those records shall be made available

for inspection by an authorised officer of the City of York Council.

32. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

Condition added by the Sub-Committee

33. Bottle Bins shall not be emptied between 18:00 and 08:00 on each and everyday.

Resolved: That in line with Option 2 the licence be granted.

Reason: The Sub-Committee carefully considered the application and the representations submitted in writing and orally at the hearing by those making representations and the Applicant. In reaching their decision, the Sub-Committee took into consideration the provisions of the Licensing Act 2003, in particular the statutory Licensing Objectives, together with 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.

The Sub-Committee noted the local residents' concerns that there has been late night noise and disturbance in the area associated with the operation of the premises by Fibbers and their concerns that similar problems would be repeated by the new operation. They also noted that there had been no objection from the Responsible Authorities and that the Police and EPU had agreed a number of proposed conditions with the applicant to address potential disorder and public nuisance issues. . The Sub-Committee considered that it had received sufficient assurances from the applicant in order to have a high level of confidence that the premises would be operated responsibly and that it could with the imposition of suitable conditions operate

without causing nuisance to local residents. They concluded that all four licensing objectives would be met in granting the application with the above mandatory and additional conditions.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate to promote the licensing objectives. They reminded the applicant of the necessity of complying with all of the conditions. They also reminded the representors that they are entitled to apply for a review of the premises licence should there be a public nuisance associated with the premises.

Councillor Aspden, Chair

[The meeting started at 10.00 am and finished at 12.40 pm].