

Licensing Hearing

To: Councillors Boyce, Gillies and Mason

Date: Thursday, 24 September 2015

Time: 10.00 am

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members are 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 this agenda.

4. Minutes

To approve and sign minutes of Licensing Hearings held on 27 July and 3 August 2015.

5. The Determination of an Application by White Rose Ltd for a Premises Licence Section 18(3)(a) in respect of Unit 2 & 4, 6 Grape Lane, York YO1 7HU. (CYC-053898)

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
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For more information about any of the following, please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

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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.

City of York Council

Committee Minutes

Meeting	Licensing Hearing
Date	27 July 2015
Present	Councillors Douglas, Gillies and Hunter

5. Chair

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

6. Introductions**7. Declarations of Interest**

At this point of 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.

8. The Determination of an Application by Tapped York Ltd for a Premises Licence Section 18(3)(a) in respect of Pavement Vaults, Piccadilly, York, YO1 9NU. (CYC-053292)

Members considered an application by Tapped York Ltd for a premises licence in respect of Pavement Vaults, Piccadilly, York.

In coming to their decision, 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 and documents submitted prior to the hearing.
2. The Licensing Managers report and her comments made at the hearing. She advised that a representor had queried the accuracy of one of the legal notices placed in the local newspaper. The applicant confirmed that there had been

errors on the notice but these had been rectified and the notice re-submitted correctly. He had proof of this on an email and agreed to show the Licensing Manager this before the end of the hearing. The application was for a premises licence at Pavement Vaults (the former White Swan Hotel site) Piccadilly, York. The premises were located within the Cumulative Impact Zone. North Yorkshire Police had made representations as had a local business owner. Consultations had been carried out correctly. It was later confirmed by the Licensing Manager that she had seen evidence to show that the newspaper notice query detailed above had been resubmitted correctly.

3. The applicants solicitors comments made at the hearing. He advised that following negotiations with North Yorkshire Police, both parties were now close to reaching an agreement on licence conditions, should the application be granted. The police had indicated that a condition requiring 60% of sales to be food would be acceptable to them but the applicant considered that there would be difficulties in trying to meet this condition. It was suggested that a condition to state that the business would be 'predominantly food led' would be more reasonable. He explained that this is because the premises attracted a high rental and in order to be viable a mixed use as a restaurant and bar was needed for the venture. The style of operation being proposed would not be a high density vertical drinking establishment, although the applicant would like to have the option of including a drinking area in the ground floor bar for up to 50 persons. He also described in detail the kind of beers and food that would be on offer and confirmed it would be a premium bar and restaurant concept, offering craft beers and an extensive menu. It was stated that it was the intention to attract discerning customers, not large groups of stags and hens, and that in his opinion, whilst it was within the Cumulative Impact Zone (CIZ), there was a big difference in character between Micklegate and Coppergate. The intention was to employ a sommelier and drinks would include sophisticated cocktails, but not cheap priced drinks offers. The premises would be available for dining all day, from breakfast, through lunch to evening dining. The bar area would be located on the ground floor with the

restaurant downstairs. The Brewdog court case in Leeds was referred to where a District Judge had accused the Council of being too rigid with CIZ policy and had considered that the style of operation would not add to problems in the CIZ. It was suggested that the same would be true of this application. The applicant had carefully considered the CIZ area and asked that the Committee looked to the reasons for the CIZ to consider whether they had heard evidence to show that the proposal would not undermine the licensing objectives. The CIZ Policy does not dictate that new licences cannot be granted. It was confirmed that the applicant would have no objection to capping capacity of the whole licensed premises to 150 people even if the fire risk assessment enabled a higher capacity, as the style of operation would not want a crowded atmosphere. At present the Fire Safety Audit had not been carried out.

4. The representations made by North Yorkshire Police in writing and at the hearing. The Police's representative advised that he was not against the grant of a food led operation but did not want to see a bar on the site enabling vertical drinking. The addition of late night refreshment to the licence between 11pm and midnight had been suggested by the police to allow for a more relaxed atmosphere and to enable the provision of food the whole time the premises are open. The location of the premises on a busy 5 road intersection was a concern, as it was already in an area which experiences a lot of activity, with the footfall shown in the statement of the Police. That the Council CCTV cameras do not currently cover the site was also a concern. Concern was also raised about the potential impact on the residents of the 18 flats above the premises from noise, although it was accepted that no representations had been received from any of them. The Police confirmed that they were not saying that the applicant was not a good operator, but they were concerned about the impact when people leave the premises. Neither were the Police saying don't grant the licence, but if minded to do so, that it should be conditioned appropriately.
5. The representations made in writing and at the hearing by a local business owner. He raised concerns about the

potential for the premises to change its style to become drink-led after gaining a licence and questioned the robustness of conditions which require a premises to be food led. He queried how the operator would monitor numbers drinking at the bar area and raised concerns about the busy location of the premises on a street corner. He was also concerned about arrangements for smokers.

In coming to their decision, Members 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.
- Option 4 Reject the application.

In coming to their decision the Sub Committee chose Option 2 and granted the application with modified/additional conditions as follows:

1. The premises shall operate as a predominantly food led establishment. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 1 hour before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 2 hours before the end of permitted hours for the sale of alcohol on any given day.
2. Late night refreshment shall take place between 11pm and 12 midnight.

3. CCTV

- a. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- b. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
- c. 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).
- d. The CCTV system recordings must be kept for a minimum of 28 days.
- e. 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.
- f. 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.
- g. All CCTV recordings will have sufficient clarity / quality / definition to allow facial recognition.

DOOR SUPERVISORS

1. An adequate number of Door Supervisors (at least one) shall be provided at the venue from 21:00hrs to the close of business on the following occasions:
 - (i) Every Friday & Saturday evening
 - (ii) The evening before a Bank Holiday
 - (iii) The evening of race meetings held at York Racecourse (save for the family meeting held in September and the first meeting in May)
5. 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.
6. Door Supervisors shall wear their SIA badge on their outer clothing at all times when on duty.

GENERAL

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

- (i) retail sale of alcohol;
- (ii) age verification policy;
- (iii) conditions attached to the premises licence;
- (iv) permitted licensable activities;
- (v) the licensing objectives;
- (vi) 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 entry in the log book and runs from the date of the particular entry).

8. The venue shall operate a Challenge 21 age verification policy and display posters confirming such in prominent locations throughout the venue.

9. 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 and used by staff at the premises at all times the venue is open for licensable activities.

10. A Refusal Register / Incident Report record shall be maintained for the premises. Such registers, electronic or otherwise stored, will record incidents of staff refusals of underage 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 entry in the log book and runs from the date of the particular entry).

11. 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.

12. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

13. The basement will be laid out with seating and tables to accommodate a minimum of 45 diners at any one time.
14. A written policy for the management of customers smoking will be drawn up and implemented. This policy will be revisited in light of changes to customer behaviour and as required to ensure that smokers do not block the pavement outside the premises to pedestrians.
15. No more than 50 persons at any one time to be drinking in the bar area located to the front of the ground floor.
16. No more than 170 persons to be within the whole of the licensed area at any one time.

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

Reason: To address the issues raised.

Reasons for the Decision:

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 had regard to the concerns of North Yorkshire Police that the premises are within the Cumulative Impact Zone and in a busy location. Members attached weight to these representations and were mindful of the Special Policy that there is a presumption against the grant of such a licence unless the applicant can rebut the presumption that the granting of such a licence would unacceptably add to the cumulative impact and thereby undermine the licensing objectives. The Sub-Committee were satisfied that the evidence put forward at the Hearing by the applicant was sufficient to rebut the presumption against granting a licence because the premises

will be of a food led nature, with limited scope for vertical drinking of up to 50 people in a specific area with a high quality of supervision. The imposition of Condition 1, is to ensure that the assurances given by the operators that the emphasis will be on dining as opposed to vertical drinking will be adhered to. The Sub-Committee had regard to the operator's previous history and the evidence they put forward. The Sub-Committee considered that it had received sufficient assurances and evidence 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 unacceptably adding to the cumulative impact or undermining the licensing objectives of prevention of crime and disorder. Whilst the Police and the other Representor had mentioned the impact of noise on the residents of the flats, no representations had been received from the Environmental Protection Authority or the occupiers of the flats, and it was considered that there was no evidence that the proposal would fail to promote the licensing objective relating to the prevention of public nuisance. 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.

Councillor Gllies, Chair

[The meeting started at 10.00 am and finished at 12.30 pm].

Meeting	Licensing Hearing
Date	3 August 2015
Present	Councillors Gillies, Looker and Mercer
In Attendance as Sub	Councillor Hayes

14. Chair

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

15. Introductions**16. 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.

17. The Determination of an Application by Bootham Crescent Holdings Ltd for a Premises Licence Section 18(3)(a) in respect of York City Football Club, Bootham Crescent, York, YO30 7AQ. (CYC-053443)

Members considered an application by Bootham Crescent Holdings Ltd for a premises licence in respect of York City Football Club, Bootham Crescent, York.

In coming to their decision, 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.
2. The Licensing Officers report and his comments made at the hearing. He advised that the application was for a Premises Licence which would include the football pitch area at Bootham Crescent. The premises currently had

two premises licences in operation covering the social club and lounges. The Council's Public Protection Officer had met with the applicant and agreed a number of conditions as attached at annex 4 to the report. 13 representations had been received from local residents. Consultations had been carried out correctly.

3. The representations made at the hearing on behalf of the football club by the Events Consultant. He advised that the new premises licence was being sought to accommodate the York City Knights rugby team at Bootham Crescent while both teams await the completion of the new Community Stadium. He explained that alcohol licensing for football and rugby is different in that rugby supporters are not barred from taking alcohol out onto the terraces while matches are in progress, and as a result, the licensed area would need to be extended to enable York City Knight supporters to enjoy the same atmosphere as they do at Huntington Stadium. In response to concerns raised by the Representors in their letters, he amended the application to remove off-sales as there was no intention to sell alcohol for consumption off the premises. In relation to the live music aspect of the application and the licensing of the pitch, it was confirmed that it was not the intention to play any music at the site past 11pm at night, and it was not intended to hold outdoor pop concerts. The incorporation of the pitch was primarily to facilitate the planned 'End of an Era' events that will take place when the football club vacates Bootham Crescent and this would be limited to 4 events per year including a family fun day and a dinner in a marquee. No end dates had been included in the application as it was still uncertain exactly when Bootham Crescent would be vacated. The Council's Stadium Project team had provided a letter of support to the applicant and this was circulated at the hearing with the agreement of the Representors.

4. The representations made by two local residents in writing and at the hearing. They were disappointed that the Football Club had not taken the time to arrange a public consultation on the application and concerned that only a small notice had been positioned on the door of the

pitchside bar which does not have a footpath in front of it and therefore not easily viewable to people passing by. They advised that the major concerns about off-sales and the potential for pop concerts had been addressed by the applicant although some concerns still remained about the potential for public nuisance in the area such as parking disruption during special events. The broadness of the application also remained a concern, despite the applicant stating only 4 events were planned.

5. Written representations received from local residents during the consultation period.

Members 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.
- Option 4 Reject the application

In coming to their decision the Sub Committee chose Option 2 and granted the application with modified/additional conditions as follows:

- 1 Alcohol will only be sold/supplied in the social club and boxes/function rooms of the main stand unless prior approval is given by the licensing authority and police in relation to an event that is taking place at the ground. At least two months notice must be given of any events.
- 2 Alcohol will only be consumed in the social club and boxes/function rooms of the main stand, when a sporting activity is taking place on the pitch, unless prior approval is given by the club's safety officer.
- 3 Events involving regulated entertainment will not take place outside the social club and boxes/function rooms of the main stand, unless prior approval is given by the

licensing authority and police. At least 2 months notice must be given of any events.

- 4 A CCTV system will be installed to cover the entrance gates to the ground and stands.
- 5 The CCTV system will be maintained, working and recording at all times when the ground is opening for a sporting activity.
- 6 The recordings shall be of good evidential quality to be produced in court or other such hearing.
- 7 Copies of the recordings will be kept available for any Responsible Authority for 28 days.
- 8 Copies of the recordings shall be made available to any Responsible Authority within 48 hours of request.
- 9 Copies of the recordings will display the correct time and date of the recording.
- 10 A Refusals Register and Incident Recording Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. These records will be kept for at least one year and will be made available upon request from any Responsible Authority.
- 11 An adequate number of SIA registered door supervisors shall be provided when a sporting activity is taking place on the pitch, to monitor the areas where alcohol is sold and consumed, as determined by the club's Safety Officer.
- 12 The premises licence holder and designated supervisor will risk assess if SIA door supervisors are required on other occasions.
- 13 An adequate number of stewards shall be provided when a sporting activity is taking place as determined by the club's Safety Officer.

- 14 An adequate number of SIA registered door supervisors and stewards will be provided at any events which take place outside the Social Club and boxes/function rooms of the main stand, as determined by the club's Safety Officer in conjunction with the licensing authority and police.
- 15 The ground operates in accordance with the legal requirements of the of the Safety Certificate issued by the City of York Council, in accordance with Safety at Sports Grounds Act 1975 (as amended).
- 16 No more than 4 events will take place in a calendar year outside of the Social Club and boxes/function rooms of the main stand.
- 17 Any event that takes place outside of the Social Club and boxes/function rooms of the main stand will only take place between the hours of 10:00 and 23:00.
- 18 Noise sensitive premises in close proximity shall be leafleted about any events which take place outside the Social Club and boxes/function rooms of the main stand. Information shall include details of the event, timings and any sound checks taking place along with a contact telephone number of the 'named event organiser'.
- 19 Noise monitoring checks will be undertaken and documented in relation to any events which take place outside the Social Club and boxes/function rooms of the main stand.
- 20 There shall be no off-sales.
- 21 All staff are trained in the legal requirements of the Licensing Act 2003.
- 22 An event specific noise management plan shall be submitted to Public Protection at City of York Council at least 8 weeks prior to an event where live or recorded music is to be held on the playing area. The noise management plan shall be agreed by Public Protection prior to the event (this excludes incidental music played over the public address system, before, during and immediately after a football match).

23 The music noise levels when assessed at a noise sensitive premises during any sound checks and during events shall not exceed 65 dB (A) over a 15 minute period.

24 Music from live and recorded music events shall not be audible at residential dwellings after 23:00.

25 Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

26 All live music and recorded music events with a capacity of more than 500 people shall finish by midnight.

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

Reason: To address the issues raised.

REASON FOR THE DECISION:

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 had regard to the concerns of the local residents and attached weight to these representations but were satisfied that the evidence put forward at the Hearing by the applicant, together with the suite of conditions was sufficient to allay any fears about live music events late at night giving rise to public nuisance. 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.

Councillor Gillies, Chair

[The meeting started at 2.00 pm and finished at 3.00 pm].

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Licensing Act 2003 Sub Committee**24 Sept 2015**

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for Unit 2 & 4, 6 Grape Lane, York YO1 7HU.**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-053898
3. Name of applicant: White Rose York Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the provision of recorded music and anything similar to music/dancing and for the sale of alcohol. The timings for these to be between 09:00hrs and midnight every day. The proposed opening times of the premises to be 09:00hrs and 00:30hrs.

Background

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

Promotion of Licensing Objectives

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

8. The prevention of crime and disorder
 - a) A CCTV system will be installed throughout the premises.
9. Public safety
 - a) Fire Risk Assessment will be carried out.
10. The prevention of public nuisance
 - a) Recorded music to be played indoors only.
 - b) Signs to be positioned asking customers to leave quietly on an evening.
 - c) Deliveries to take place during the day so as to not disturb any residents.

Special Policy Consideration

11. This premise is located within the special policy area approved by full council on 27 March 2014. A copy of the policy is attached at Annex 2.

Consultation

12. 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.
13. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

14. Both the North Yorkshire Police and the Council's Public Protection Unit have mediated with the applicants who have agreed to a number of conditions being included in the licence if granted. These conditions are shown at Annex 3 and Annex 4.

Summary of Representations made by Parties other than Responsible Authorities

15. 2 relevant representations have been received from local residents and these are shown at Annex 5.
16. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

17. A planning application has been submitted to the local authority and this is under consideration.

Options

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

Analysis

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

Council Plan

28. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment (these priorities are currently under review).

Implications

30.

- **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
- Other** – none

Risk Management

31. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.

32. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

33. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

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Chief Officer Responsible for the report:

Steve Waddington
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Housing & Community Safety.

**Report
Approved**



Date 15/09/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guidhall



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Special Policy
- Annex 3** - Police agreed conditions
- Annex 4** - Public Protection agreed conditions
- Annex 5** - Copies of representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations

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