

Meeting	Licensing Hearing
Date	12 November 2015
Present	Councillors Gillies, Mercer and Richardson

27. Chair

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

28. Introductions**29. 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.

30. Minutes

Resolved: That the minutes of the Licensing Hearings held on 27th January 2015 and 3rd August 2015 be approved and signed by the Chair as a correct record.

31. The Determination of an Application by Brewdog Bars Ltd for a Premises Licence Section 18(3)(a) in respect of Brewdog, 130/134 Micklegate, York, YO1 6JX (CYC-054231)

Members considered an application by Brewdog Bars Ltd for a premises licence in respect of 130/134 Micklegate, 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 Managers report and her comments made at the hearing. She outlined the application and advised that the premises were located within the Cumulative Impact Zone and that consultation had been carried out correctly.
3. The representations made at the hearing on behalf of the applicant. Members were advised that prior to the hearing, following negotiations with North Yorkshire Police and the Licensing Authority; an agreement had been reached on licence conditions, should the application be granted. The nature of the Brewdog brand was described in detail, including the kind of beers and style of operation that would be on offer and it was confirmed that it would be a premium bar concept, offering craft beers and workshops. It was stated that it was the applicants intention to attract discerning customers who would appreciate the craft beer, not large groups looking for cheap drink promotions. Whilst the premises were within the CIZ, there was a big difference in character between Brewdog and other venues in Micklegate. The sub-committee were informed that Brewdog operate a number of other premises across the country, a number of which are located alongside residential premises and co-exist without any problems or complaints from people living nearby. A number of measures would be taken at the premises, including the installation of soundproofing and the management of the smoking area.
4. The representations made by North Yorkshire Police in writing and at the hearing. The Police's representative advised that as the applicant had agreed prior to the hearing to a condition requiring at least 2 door supervisors, this would make the application acceptable to them, alongside the other agreed conditions. The Police confirmed that they were satisfied that provided the agreed conditions were imposed the granting of a new premises licence, it would not unacceptably add to the cumulative impact nor undermine the licensing objective of crime and disorder. A representative from the City of York Council Licensing Authority also confirmed he was now satisfied with the application with the police conditions and withdrew the objection.

5. The representations made in writing and at the hearing by local residents who raised concerns about the addition of another premises on Micklegate which they felt had reached saturation point for licensed premises. They were particularly concerned about the noise impact upon residents living nearby and above the premises and about the proposed arrangements for smokers.

In coming to their decision, the Sub-Committee were presented with the following options:

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| 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. |

Members chose Option 2 and granted the application with the following conditions.

1. A colour CCTV system shall be maintained and operated at the premises with cameras both internally and externally. The CCTV coverage will include the external smoking area. The CCTV shall be operational at all times licensable activities are taking place at the premises.
2. Recorded CCTV images will be maintained and stored for a period of twenty eight days and shall be produced to the Police or Licensing Authority upon request. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and be able to

produce CCTV images to an officer from a responsible authority upon request.

5. Plans indicating the position of CCTV cameras to be submitted to and agreed with the Licensing Authority in consultation with the Police prior to the premises opening.
6. An adequate number of door supervisors (at least 2) shall be provided at the premises from 9pm to the close of business on the following occasions:
 - i. Every Friday and Saturday evening
 - ii. The evening before a Bank Holiday
 - iii. The evening of race meetings at York Racecourse (save for the family meeting held in September and the first meeting in May)

At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor in conjunction with North Yorkshire Police. When employed, door staff will wear high visibility armbands.

7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - i. The number of door staff on duty
 - ii. The identity of each member of door staff
 - iii. The times door staff are on duty.
 - iv.
8. Open containers of alcohol shall not be removed from the premises.
9. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises and made available to an officer of a responsible authority upon request.
11. At least one personal licence holder shall be on the premises at all times it is open for licensable activities.
12. 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 all times the premises is open for licensable activities.

13. The telephone number of the premises and of the Designated Premises Supervisor shall be made available to residents living in the vicinity upon request.
 14. A first aid box will be available at the premises at all times.
 15. Regular safety checks will be carried out by staff.
 16. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
 17. An incident log will be kept at the premises and made available on request to an authorised officer or the police and will record the following:
 - All crimes reported at the venue
 - Any complaints received regarding anti-social behaviour
 - Any incidents of disorder
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol.
- 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).
18. Noise from amplified music or voices shall not be such as to cause a noise nuisance to the occupants of nearby premises.
 19. The exterior of the building shall be cleared of litter at regular intervals
 20. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
 21. Doors and windows at the premises are to remain closed after 11pm save for access and egress
 22. A dispersal and smoking policy will be implemented and adhered to.

23. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. The smoking area shall be monitored by staff or door staff (when employed) when it is in use.
26. The area shall be cleaned regularly.
27. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
28. Signs will be displayed in the area asking customers to keep noise to a minimum.
29. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
30. The number of smokers allowed in the external smoking area after 22:00 on a daily basis will be limited to a maximum number of 10 people at any one time.
31. The smoking area will be cleaned daily and positioned to the right of the main entrance.
32. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
33. Staff Training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

34. Notices advising what forms of ID are acceptable must be displayed.
35. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.
36. There shall be a maximum capacity of 150 people.
37. There will be an additional hour for licensable activities on Fridays, Saturdays and Sundays prior to a Bank Holiday Monday.

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

Reason: To address the issues raised in the representations.

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.

Representations were made by local residents, who were primarily concerned about public nuisance due to the increase in cumulative impact of an additional licensed premise on Micklegate. Residents were also concerned about the potential for public nuisance from customers smoking at the front of the premises. Of the 13 flats above the premises, one resident had made a representation. Members had regard to these representations and were mindful of the Special Policy and 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 had regard to the fact that North Yorkshire

Police and the Licensing Authority were satisfied that although the premises are within the Cumulative Impact Zone and in a busy location, conditions could be imposed so that the proposal would not give rise to unacceptable additional cumulative impact or undermine the licensing objectives of crime and disorder or public nuisance. Conditions were suggested by the Environmental Protection Unit in order to adequately mitigate any potential for public nuisance. Members attached significant weight to the police representations in accordance with the Licensing Act Guidance Para 2.1. The Sub-Committee were also satisfied that the evidence put forward at the Hearing by the applicant was sufficient to rebut the presumption against granting a licence having regard to the premium bar concept, offering craft beers and workshops; the likelihood that the venue would attract discerning customers who would appreciate the craft beer, not large groups such as “stag and hen parties” looking for cheap drink promotions; the difference in character between Brewdog and other venues in Micklegate; the number of other examples of well run Brewdog premises across the country, a number of which are located alongside residential premises and co-exist without any problems or complaints; the installation of soundproofing and the management of the smoking area through imposition of conditions and the matters set out in the operating schedule.

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 and 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 10.00 am and finished at 12.20 pm].