



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Premises licence number CYC - 009030

Part 1 Premises details

Postal address of premises: Flares 6 Tanner Row	
Post town: York	Post code: YO1 6JB
Telephone number: 01904 653283	

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Indoor sporting events
Live Music
Recorded Music
Performances of Dance
Facility for making music
Facilities for dancing
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

FILMS			
Indoors			
Monday	Tuesday	Wednesday	Thursday

Annex 1

10:00 - 00:30 10:00 - 00:30 10:00 - 00:30 10:00 - 00:30

Friday Saturday Sunday
10:00 - 00:30 10:00 - 00:30 11:00 - 00:30

INDOOR SPORTING EVENTS

Monday Tuesday Wednesday Thursday
10:00 - 00:30 10:00 - 00:30 10:00 - 00:30 10:00 - 00:30

Friday Saturday Sunday
10:00 - 00:30 10:00 - 00:30 11:00 - 00:30

LIVE MUSIC

Indoors

Monday Tuesday Wednesday Thursday
10:00 - 00:30 10:00 - 00:30 10:00 - 00:30 10:00 - 00:30

Friday Saturday Sunday
10:00 - 00:30 10:00 - 00:30 11:00 - 00:30

PERFORMANCE OF DANCE

Indoors

Monday Tuesday Wednesday Thursday
10:00 - 00:30 10:00 - 00:30 10:00 - 00:30 10:00 - 00:30

Friday Saturday Sunday
10:00 - 00:30 10:00 - 00:30 11:00 - 00:30

FACILITY FOR MAKING MUSIC

Indoors

Monday Tuesday Wednesday Thursday
10:00 - 00:30 10:00 - 00:30 10:00 - 00:30 10:00 - 00:30

Friday Saturday Sunday
10:00 - 00:30 10:00 - 00:30 11:00 - 00:30

FACILITIES FOR DANCING

Indoors

Monday Tuesday Wednesday Thursday
10:00 - 00:30 10:00 - 00:30 10:00 - 00:30 10:00 - 00:30

Friday Saturday Sunday
10:00 - 00:30 10:00 - 00:30 11:00 - 00:30

Annex 1

LATE NIGHT REFRESHMENT

Indoors and Outdoors

Monday 23:00 - 01:00	Tuesday 23:00 - 01:00	Wednesday 23:00 - 01:00	Thursday 23:00 - 01:00
Friday 23:00 - 01:00	Saturday 23:00 - 01:00	Sunday 23:00 - 01:00	

SUPPLY OF ALCOHOL

Monday 10:00 - 01:00	Tuesday 10:00 - 01:00	Wednesday 10:00 - 01:00	Thursday 10:00 - 01:00
Friday 10:00 - 01:00	Saturday 10:00 - 01:00	Sunday 11:00 - 01:00	

Non Standard Timings for Films, Indoor Sporting Events, Live Music, Performance of Dance, Facility for Making Music, Facilities for Dancing, Late Night Refreshment and Supply of Alcohol:

An additional hour to the end of permitted hours on 1 January, 1 March (St David's Day), 17 March (St Patrick's Day), Bank Holiday Weekends (Sunday, Monday), Halloween, Christmas Eve, Boxing Day, 27 December, 28 December and 30 December.

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Opening Hours of the Premises

Monday 10:00 - 01:30	Tuesday 10:00 - 01:30	Wednesday 10:00 - 01:30	Thursday 10:00 - 01:30
Friday 10:00 - 01:30	Saturday 10:00 - 01:30	Sunday 11:00 - 01:30	

An additional hour to the end of permitted hours on 1 January, 1 March (St David's Day), 17 March (St Patrick's Day), Bank Holiday Weekends (Sunday, Monday), Halloween, Christmas Eve, Boxing Day, 27 December, 28 December and 30 December.

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Mitchells & Butlers Leisure Retail Ltd

Address: 27 Fleet Street
Birmingham
B3 1JP

Telephone number: 0870 6093000

Email address: Licensing@mbplc.com

Registered number of holder, for example company number, charity number (where applicable):

Limited Company 01001181

Annex 1 – Mandatory conditions

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, 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 be licensed by the Security Industry Authority.

(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
- (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.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE AND SPECIAL HOURS (SECTION 77) CERTIFICATE

Special Hours Certificate

Where a Special Hours Certificate is in force on all or certain days, this condition replaces the permitted hours for those days with the following condition:

1. In relation to the morning on which summer time begins, paragraph 1 of this condition shall have effect with the substitution of references to 03:00, for references to 02:00 or one hour following the hour actually specified in the certificate, whichever is the earlier.

Annex 1

2. The following condition shall also apply to the premises on any day it seeks to rely on the extended hours detailed above:

During the whole of the period that the premises are open to the public for the sale of intoxicating liquor the whole of the premises, or the part of the premises designated for the purposes of the Special Hours Certificate, shall be bona fide used for the purposes of providing for persons resorting to the premises,

- a) in the case of casino premises, gaming facilities and substantial refreshment, and
- b) in the case of any other premises, music and dancing and substantial refreshment,

to which the sale of intoxicating liquor is ancillary.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices Licence.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

Annex 2 – Conditions consistent with the operating schedule

For Regulated Entertainment consisting of Music and Dancing

- a) The licence holder shall attach a copy of the City Council's Rules for the Management of Places of Public Entertainment to the valid licence. This document shall form part of the licence.
- b) The licence holder shall ensure prompt compliance with any written report received from the City Council.
- c) The licence holder shall ensure prompt compliance with any written report received from North Yorkshire Fire and Rescue Service.
- d) The maximum occupancy of the licensed premises shall not exceed the following numbers at any time:

Ground Floor - 200 Persons

Mezzanine & First Floor - 200 Persons

- e) Noise emanating from the licensed activities within the premise must not be audible at the nearest noise sensitive facade after 23:00 hours. Noise monitoring should be carried out after 23:00 hours by the Designated Premise Supervisor or a representative.

Licensing Objectives

General

1. Managers operate under the direction and procedures of the company.
2. A corporate approach to risk management is undertaken.
3. Staff will be trained in the standards required by the relevant legislation and as required by company policy.

Prevention of Crime & Disorder

4. The company will monitor the need for door supervisors and in so doing will take into account any advice given by the police.
5. The manager is required to actively participate in and support the local Pubwatch scheme.
6. Text and/or radio pagers, will be used for any additional hours.
7. Toughened glass will be used on the premises.
8. CCTV will operate during trading hours.
9. In line with the company's Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.

Public Safety

10. Health and safety policies and practices are in place.
11. An internal health and safety due diligence and incident reporting system is in place.

Public Nuisance

12. Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.
13. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with the company's Role in the Community Guidelines.

Protection of Children from Harm

14. The law will be observed at all times to ensure that alcohol is not served to people who are under 18 years of age.

Annex 1

15. Managers and staff are briefed in the importance of their responsibilities in ensuring customers are over 18.

16. The premise operates under the company's own 'Challenge 21' Scheme which requires staff to challenge anyone who does not look over 21 to produce ID. Signage for this policy is in place at the premise.

17. No adult entertainment (paid for by the company of a nude physical nature) is permitted at this premise.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The sale of alcohol shall cease 30 minutes before the end of opening hours on each and every day.
2. All licensable activities listed in Sections B, C, E, G, I and J of the application shall cease one hour before the end of opening hours on each and every day.
3. Provision of late night refreshments shall cease 30 minutes before the end of opening hours on each and every day.
4. Queuing and access arrangements shall be suitably and properly managed to the reasonable satisfaction of the local licensing authority along the alley way adjacent to the main entrance to the premise.
5. A customer dispersal policy shall be agreed with the Licensing Authority to its reasonable satisfaction.
6. All off sales shall be in sealed containers.
7. The fire doors shall remain alarmed at all times.

For and on behalf of
The Director of Neighbourhood Services

Date: 14/09/2005
(amended 14/03/07)

Licensing & Regulatory Services
9 St Leonard's Place
York
Y01 7ET

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing