



City of York Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Mitchells & Butlers Leisure Retail Ltd (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number CYC - 009030

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Flares
6 Tanner Row
Post town York Post code YO1 6JB

Telephone number at premises (if any) 01904 653283
Non-domestic rateable value of premises £101,000.00

Part 2 – Applicant details

Daytime contact telephone number 0870 609 3000
E-mail address (optional) licensing@mbplc.com
Current postal address if different from premises address 27 Fleet Street
Post Town Birmingham Postcode B3 1JP

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from
Not applicable

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
 To vary and extend the terminal hour for all licensable activities (supply of alcohol, films, indoor sporting events, live music, performance of dance, facilities for making music and dance) and late night refreshment to 02:00 hours 7 days a week.

To vary and extend the opening hour to 02:30 hours 7 days a week.

To delete the following conditions on the licence:-

- Embedded restriction 2 (special hours certificate).
- Condition 2 Annex 3 (Regulated Entertainment ending at 00:30 hours 7 days a week).

Description of Premises

A ground and first floor premises with a bar servery on each floor. Flares is a themed 1970's disco night.

There is no outside area for the consumption of alcohol.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Not applicable.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)

k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	00:30	02:00	Please give further details here (please read guidance note 3) As existing.		
Tue	00:30	02:00			
Wed	00:30	02:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	00:30	02:00			
Fri	00:30	02:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.		
Sat	00:30	02:00			
Sun	00:30	02:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3) As existing.
Day	Start	Finish	Tue 00:30 02:00 State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon	00:30	02:00	
Tue	00:30	02:00	Thur 00:30 02:00 Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Wed	00:30	02:00	
Thur	00:30	02:00	Fri 00:30 02:00 As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.
Fri	00:30	02:00	
Sat	00:30	02:00	Sun 00:30 02:00
Sun	00:30	02:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both <input type="checkbox"/>
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	00:30	02:00			
Tue	00:30	02:00	As existing.		
Wed	00:30	02:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	00:30	02:00			
Fri	00:30	02:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	00:30	02:00			
Sun	00:30	02:00	As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.		

F As existing – 24 hours allowed under Embedded Restrictions.

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	00:30	02:00			
Tue	00:30	02:00	As existing.		
Wed	00:30	02:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	00:30	02:00			
Fri	00:30	02:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	00:30	02:00			
Sun	00:30	02:00			
			As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>	Please give further details here (please read guidance note 3)
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing																																
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>00:30</td> <td>02:00</td> </tr> <tr> <td>Tue</td> <td>00:30</td> <td>02:00</td> </tr> <tr> <td>Wed</td> <td>00:30</td> <td>02:00</td> </tr> <tr> <td>Thur</td> <td>00:30</td> <td>02:00</td> </tr> <tr> <td>Fri</td> <td>00:30</td> <td>02:00</td> </tr> <tr> <td>Sat</td> <td>00:30</td> <td>02:00</td> </tr> <tr> <td>Sun</td> <td>00:30</td> <td>02:00</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	00:30	02:00	Tue	00:30	02:00	Wed	00:30	02:00	Thur	00:30	02:00	Fri	00:30	02:00	Sat	00:30	02:00	Sun	00:30	02:00	Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
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			Please give further details here (please read guidance note 3) As existing.																																
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)																																
			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5) As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.																																

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>																		
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Day	Start	Finish																											
Mon	00:30	02:00																											
Tue	00:30	02:00																											
Wed	00:30	02:00																											
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			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.																										

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>	
Day	Start	Finish		Both	<input type="checkbox"/>	
Mon	01:00	02:00	<u>Please give further details here</u> (please read guidance note 3)			
Tue	01:00	02:00	As existing			
Wed	01:00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur	01:00	02:00				
Fri	01:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	01:00	02:00				
Sun	01:00	02:00	As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	01:00	02:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	01:00	02:00			
Wed	01:00	02:00			
Thur	01:00	02:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	01:00	02:00	As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.		
Sat	01:00	02:00			
Sun	01:00	02:00			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)		
Day	Start	Finish			
Mon	10:00	02:30			
Tue	10:00	02:30			
Wed	10:00	02:30			
Thur	10:00	02:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	02:30	As existing for 1 st January, 1 st and 17 th March, Bank Holiday weekends (Sunday and Monday), Halloween, Christmas Eve, Boxing Day, 27 th , 28 th and 30 th December and New Years Eve / Day.		
Sat	10:00	02:30			
Sun	11:00	02:30			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Embedded Restriction 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 part of the premises designated for the purposes of the special hours certificate, shall be bona fide used for purposes of providing the 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.

So far as this Condition does not conflict with hours authorized by this licence for the provision of licensable activities.

Condition 2 Annex 3

All licensable activities listed in Sections b, c, e, g, i and j of the application shall cease 1 hour before the end of the opening hours on each and every day.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Not applicable.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

There are a total of 23 Conditions at Annex 2 of the licence and 7 at Annex 3. The 30 Conditions promote the 4 licensing objectives.

Many of the suggested conditions at Page 51 onwards in the Statement of Licensing Policy appear on Premises Licence CYC 009030, the Dispersal Policy and Rules for Management of Places of Public Entertainment.

No additional Conditions are necessary for the variation of an additional 1.5 hours each night.

b) The prevention of crime and disorder

As above.

c) Public safety

As above.

d) The prevention of public nuisance

As above.

e) The protection of children from harm

As above.


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17 October 2007
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Poppleston Allen Solicitors
 37 Stoney Street
 The Lace Market

Post town	Nottingham	Post code	NG1 1LS
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Telephone number (if any)	0115 9349150
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
 a.gold@popall.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.