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Meeting	Licensing/Gambling Hearing
Date	9 June 2016
Present	Councillors Douglas, Mercer and Richardson

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**1. Chair**

Resolved: That Councillor Richardson be elected to Chair the meeting.

**2. Introductions**

**3. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests. No further interests were declared.

**4. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 19 May 2016 be approved as a correct record and then signed by the Chair.

**5. The Determination of an Application by Loungers Ltd for a Premises Licence Section 18(3)(a) in respect of Cosy Club, 19-22 Fossgate, York YO1 9TA (CYC-055481)**

Members considered an application by Loungers Ltd for a Premises Licence Section 18(3)(a) in respect of Cosy Club, 19-22 Fossgate, York, YO1 9TA.

The Sub-Committee noted that the representations made by:

- North Yorkshire Police
- The Council's Licensing Authority
- Mr S Midgley, Commercial Director, Ossett Brewery Taverns Ltd, The Hop

had been withdrawn prior to the hearing.

The Panel noted that the applicant had agreed to the following additional conditions:

1. Alcohol will only be served on the mezzanine level (level C) and in Zone B on the deposited plans to persons seated at chairs and tables by waiter/waitress
2. Substantial food will be available throughout the trading day with the last orders for food being taken at 10:00pm to permit preparation and consumption of the same.
3. The areas shaded and marked A, B and C on the enclosed plan will contain seating to accommodate no less than 210 persons.
4. At any time there will be a minimum number of seats in the areas marked A on the enclosed plan to accommodate 50 persons and there will be no more than 35 persons standing in that area at any one time.

These conditions would replace the following conditions in the original application:

- There will be a minimum of 60 seated covers for diners on the ground floor and a minimum of 60 seated covers for diners on the first floor. Customers must be permitted to place food orders (full menu) no less than 2 hours before the premises closes to the public.
- Customers must be permitted to place food orders (full menu) no less than 2 hours before the premises closes to the public.

The Panel noted Mr John Walker's confirmation at the hearing that he wished to withdraw his representation, having received confirmation from Loungers Ltd of the additional conditions.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 18(4) that it considered necessary for the promotion of the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the licensing objectives:

Option 1: Grant the licence in the terms applied for and including any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was rejected.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **approved**.

Option 3: Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **rejected**.

Option 4: Reject the application. This option was **rejected**.

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

1. Overcrowding shall not be permitted in any part of the premises.
2. The premises licence holder, or the person appointed to be in charge of the premises when licensable activity is taking place shall provide or have the unhampered use of a telephone on the premises for use in an emergency.
3. The premises shall operate primarily as a restaurant, not as a bar or vertical drinking establishment providing food and non-alcoholic drinks.
4. Alcohol will only be served on the mezzanine level (level C) and in Zone B on the deposited plans to persons seated at chairs and tables by waiter/waitress
5. Substantial food will be available throughout the trading day with the last orders for food being taken at 10:00pm to permit preparation and consumption of the same.
6. The areas shaded and marked A, B and C on the submitted plan will contain seating to accommodate no less than 210 persons.
7. At any time there will be a minimum number of seats in the areas marked A on the submitted plan to accommodate 50 persons and there will be no more than 35 persons standing in that area at any one time.
8. Management and staff shall be in attendance in the trading area at all times that alcohol is sold or supplied.
9. A colour digital CCTV system shall be installed within the

premises and be operational and recording at all times when licensable activities take place.

10. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy
11. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises (excluding toilets)
12. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
13. North Yorkshire Police or other 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.
14. 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 other Responsible Authority.
15. A premises incident book/refusals register shall be kept, (or EPOS till recording system). Such registers will record incidents of staff refusals to under age or drunken people as well as incidents of any alcohol related anti-social behaviour and ejections from the premises. These records shall be kept for a minimum of one year. (For the avoidance of doubt, the one year period relates to each respective entry and runs from the date of that particular entry).
16. There shall be no off sales of alcohol.
17. An adequate number of door supervisors (at least one) shall be provided at the venue from 17:00 hours to the close of business on the evenings of race meetings held at York Racecourse (save for the family meeting held in September and the first meeting in May)
18. When door supervisors are on duty they shall sign in and out of the premises incident book, providing full details of their name and SIA number.
19. Fire appliances, suitable to the fire risks at the premises, shall be provided to the satisfaction of the Licensing Authority and such equipment shall be maintained in proper working order and kept available for instant use. Such equipment shall be conspicuously placed and unobstructed at all times.
20. Background music shall not be played at a level that will

cause unreasonable disturbance to the occupants of any properties in the vicinity.

21. The applicant shall co-operate with the police or officers of the local authority in the implementation of any initiatives to combat crime, disorder, antisocial behaviour or nuisance in the vicinity.
22. The premises licence holder shall take appropriate measures to ensure that patrons leave the premises in a quiet and orderly fashion.
23. The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. These include odours from food preparation and refuse storage.
24. The premises licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises.
25. Doors and windows shall be kept shut after 23:00 hours except for entry to and egress from the premises and in cases of emergency.
26. The premises shall operate a Challenge 25 policy for the sale of alcohol.
27. The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo (until other effective identification technologies e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
28. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
  - Operation of the CCTV system (including the downloading of evidence)
  - Retail sale of alcohol
  - Age verification policy
  - Conditions attached to the licence
  - Permitted licensable activities
  - The licensing objectives and
  - Opening times of the venuewith 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).

Reason for the Decision:

The Sub-Committee noted that, in response to the additional conditions offered by Loungers Ltd, the representors had withdrawn their representations. The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above.

Councillor Richardson, Chair

[The meeting started at 1.30 pm and finished at 1.50 pm].