



## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number  
CYC - 009027

Postal address of premises:

**68 Marygate**

Post town: **York**

Post code: **YO30 7BH**

Telephone number: 01904 541926

**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  
Late Night Refreshment  
Supply of Alcohol

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

FILMS

Indoors

Monday  
11:00-23:00

Tuesday  
11:00-23:00

Wednesday  
11:00-23:00

Thursday  
11:00-23:00

Friday  
11:00-23:00

Saturday  
11:00-23:00

Sunday  
12:00-22:30

## INDOOR SPORTING EVENTS

Monday 11:00-23:00	Tuesday 11:00-23:00	Wednesday 11:00-23:00	Thursday 11:00-23:00
Friday 11:00-23:00	Saturday 11:00-23:00	Sunday 12:00-22:30	

## LIVE MUSIC Indoors

Monday 11:00-23:00	Tuesday 11:00-23:00	Wednesday 11:00-23:00	Thursday 11:00-23:00
Friday 11:00-23:00	Saturday 11:00-23:00	Sunday 12:00-22:30	

## RECORDED MUSIC Indoors

Monday 11:00-23:00	Tuesday 11:00-23:00	Wednesday 11:00-23:00	Thursday 11:00-23:00
Friday 11:00-23:00	Saturday 11:00-23:00	Sunday 12:00-22:30	

## PERFORMANCES OF DANCE Indoors

Monday 11:00-23:00	Tuesday 11:00-23:00	Wednesday 11:00-23:00	Thursday 11:00-23:00
Friday 11:00-23:00	Saturday 11:00-23:00	Sunday 12:00-22:30	

## SUPPLY OF ALCOHOL

Monday 11:00-23:00	Tuesday 11:00-23:00	Wednesday 11:00-23:00	Thursday 11:00-23:00
Friday 11:00-23:00	Saturday 11:00-23:00	Sunday 12:00-22:30	

Non Standard Timings for Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Late Night Refreshment:

New Year's Eve from 10:00.

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

Non Standard Timings for Supply of Alcohol:

New Year's Eve from 10:00.

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

**The Opening Hours of the Premises**

Monday 11:00-23:30	Tuesday 11:00-23:30	Wednesday 11:00-23:30	Thursday 11:00-23:30
Friday 11:00-23:30	Saturday 11:00-23:30	Sunday 12:00-23:00	

Non Standard Timings:

New Year's Eve from 10:00.

From the end of permitted hours on New Year's Eve until the start of permitted hours on 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 premise licence:**

Name: Roots York Restaurant Ltd

Address: Oldstead Grange  
Oldstead  
York  
YO61 4BJ

Telephone number: None

Email address: None

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

11248949

## **Annex 1 – Mandatory conditions**

### MANDATORY CONDITIONS IN RELATION TO THE 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.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - a) a holographic mark, or
  - b) an ultraviolet feature.
7. The responsible person must ensure that -

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
  - i. beer or cider: ½ pint;
  - ii. gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. still wine in a glass: 125ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
  - a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - b) "permitted price" is the price found by applying the formula –  $P = D + (D \times V)$  where –
    - i. P is the permitted price,
    - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
    - i. the holder of the premises licence,
    - ii. the designated premises supervisor (if any) in respect of such a licence, or
    - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), 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 –

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b) be entitled to carry out that activity by virtue of section 4 of that Act.
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 which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), 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.

#### 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).

## **Annex 2 – Conditions consistent with the operating schedule**

### **Licensing Objectives**

#### General

1. Risk assessments are undertaken.

#### Prevention of Crime & Disorder

2. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
3. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.
4. Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty.
5. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
6. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
7. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

#### Public Safety

8. The maximum occupancy should not exceed 60 persons in the first floor function room. The maximum occupancy of the ground floor should not exceed 100 persons.

#### Public Nuisance

9. The windows to the first floor function room will be closed at all times regulated entertainment is taking place.
10. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
11. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

#### Protection of Children from Harm

12. Children under the age of 16 shall not be permitted to enter the premises after 21:00 hours.

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

No hearing held

## **Annex 4 – Approved Plan**

Plan Number                    12541/41010

For and on behalf of  
The Director of Economy  
& Place

Licensing Services  
Hazel Court Eco Depot  
James Street, York  
Y010 3DS

Date: 03/11/2005  
17/04/2018 (Transfer)

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