

**Licensing Act 2003 Sub Committee**

**8 July 2021**

Report of the Director of Environment, Transport & Planning

**Section 18(3) (a) Application for a premises licence for 12 Clifford Street, York, YO1 9RD**

**Summary**

1. This report seeks Members' determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC - 68571
3. Name of applicant: CC Stim Tradeco 2 Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at 12 Clifford Street as follows:

<b>Proposed Activity</b>	<b>Timings</b>
Films – indoors	1100 to 0400 everyday  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day  An additional hour to the standard and non-standard timings when British Summertime commences
Boxing or Wrestling – indoors	1100 to 0400 everyday  From the end of permitted hours on New Year's Eve to the start of

	<p>permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>
Live Music - indoors	<p>1100 to 0400 everyday</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>
Recorded Music – indoors	<p>1100 to 0400 everyday</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>
Performance of dance – indoors	<p>1100 to 0400 everyday</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>
Late night refreshment – indoors	<p>2300 to 0400</p> <p>From the end of permitted hours on New Year's Eve to the start of</p>

	<p>permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>
Supply of alcohol – on & off the premises	<p>1100 to 0400 everyday</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>
Opening hours	<p>1100 to 0430</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>An additional hour to the standard and non-standard timings when British Summertime commences</p>

## Background

6. A copy of the application can be found at **Annex 1**, including a plan(s) of the premises.
7. The premises is described in the application as town centre nightclub comprising of ground, mezzanine and first floors.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 2**.

9. This premises already holds a premises licence granted upon conversion in 2005, ref CYC 08849. When making this application the applicant was of the understanding that this licence had lapsed due to the insolvency of the premises licence holder. The operating schedule refers to this lapsed licence and the amendment to several existing conditions. Therefore to assist the committee the current licence has been attached at **Annex 3**.
10. The applicant through their agent has been made aware during the consultation period that the original licence remains in force. Note the Licensing Act 2003 allows for more than one licence to be granted to an address.

### **Promotion of Licensing Objectives**

11. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

12. **General**

As this application is being submitted to resurrect a lapsed licence in the same terms we will rely on the existing conditions of premises licence CYC-008849, with the exception of the following conditions which will be removed or amended as below due to these conditions being outdated or no longer relevant.

Amend the following:

- Annex 2, condition 3 – The current CCTV condition requires all staff to be trained in the use of the system but only the management are trained, condition to amend as below.
- Annex 2, condition 4 – staff are trained internal but not on the ‘Award for Responsible Alcohol Retailing’
- Annex 2, condition 6 – removal of ‘all staff’ using the radio system as the radio system is used between door staff and management as below.
- Annex 2, condition 16 – SIA door staff do not use high visibility jackets, they use tabards – amended below

Remove the following conditions from the original licence CYC 00849:

- Annex 2, condition 17 – there is no longer a light patrol at the venue
- Annex 2, condition 18 – covered by the Mandatory condition
- Annex 2, condition 20 – covered in the Dispersal policy

- Annex 3, condition 8 – dealt with under ‘the Regulatory Reform (Fire Safety) Order 2005. A fire risk assessment will be carried out to determine a safe capacity figure for this venue

### **13. The Prevention of Crime and Disorder**

13.1 A documented staff training programme shall be provided to all members of staff at the premises in respect of the:

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the premises licence
- Permitted licensable activities
- The licensing objectives
- The opening times for the venue

13.2 All members of bar staff will receive training in the responsible sale of alcohol within three months of the start of their employment at the premises with such records being kept for a minimum of one year.

13.3 There shall be a separate radio system in use at the venue. All members of door staff and the General Manager shall use this radio channel in order to communicate with each other at all times.

13.4 SIA door supervisors shall be provided at the venue at a ratio of one door supervisor per 100 customers, plus one door supervisor at all times the venue operates (including any youth events). The door supervisors shall wear a high visibility arm band when working. There shall be at least two of the aforementioned door supervisors at the front entrance of the venue at all times the venue is open for business.

### **14. Public Safety**

See above

### **15. The Prevention of Public Nuisance**

See above

### **16. The Protection of Children from Harm**

See above

## **Special Policy Consideration**

17. This premises is located within the cumulative impact assessment area which was approved by full council on 21 March 2019. The assessment can be found at **Annex 4**. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at **Annex 5**.

## **Consultation**

18. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
19. All procedural aspects of this application have been complied with.

## **Summary of Representations made by Responsible Authorities**

20. There have been no representations from the Responsible Authorities.

## **Summary of Representations made by Other Parties**

21. There has been one relevant representation received from other persons. The list of representors is attached at **Annex 6**.
22. The representation is predominantly based on the grounds of the prevention of public nuisance objective. They state that this objective will be undermined if the application is granted.
23. A copy the representation are attached at **Annex 7**.
24. A map showing the general area around the venue is attached at **Annex 8**.
25. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at **Annex 9**. The Legislation and Policy considerations can be found at **Annex 10**.

## **Options**

26. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
27. Option 1: Grant the licence in the terms applied for.
28. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
29. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
30. Option 4: Refuse to specify a person on the licence as premises supervisor.
31. Option 5: Reject the application.

## **Analysis**

32. The following could be the result of any decision made this Sub Committee:-
33. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
34. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
35. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
36. Option 4: This decision could be appealed at Magistrates Court by the applicant.
37. Option 5: This decision could be appealed at Magistrates Court by the applicant.

## **Council Plan**

38. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
39. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when

determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

## **Implications**

40.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

## **Risk Management**

41. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
42. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

## **Recommendations**

43. Members determine the application.



Reason: To address the representations received as required by the Licensing Act 2003.

### Contact Details

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**Chief Officer Responsible for the report:**  
James Gilchrist  
Director Environment, Transport & Planning

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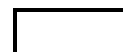
**Report  
Approved**



**Date** 22.06.2021

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall**



**For further information please contact the author of the report**

### Background Papers:

- Annex 1** - Application form & plans
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Current licence CYC-00849
- Annex 4** - Cumulative Impact
- Annex 5** - Licensing Policy Annex
- Annex 6**- List of representors (**CONFIDENTIAL**)
- Annex 7**- Copy of representations from other persons
- Annex 8** - Map of area
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation and Policy Considerations

