

**LICENSING ACT 2003**

**PREMISES LICENCE**

**SCHEDULE 12**

**Part A**

**Part 1 Premises details**

Premises licence number  
CYC - 060429

Postal address of premises:

**59-63 Walmgate**

Post town: **York**

Post code: **YO1 9TY**

Telephone number: None

**Expiry date:** This licence has no expiry date.

**Licensable activities authorised by the licence**

Recorded Music  
Late Night Refreshment  
Supply of Alcohol

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

**RECORDED MUSIC**

Indoors

Monday

08:00 - 23:30

Tuesday

08:00 - 23:30

Wednesday

08:00 - 23:30

Thursday

08:00 - 23:30

Friday

08:00 - 23:30

Saturday

08:00 - 23:30

Sunday

08:00 - 23:30

## LATE NIGHT REFRESHMENT

Indoors

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

## SUPPLY OF ALCOHOL

Monday 10:00 - 23:30	Tuesday 10:00 - 23:30	Wednesday 10:00 - 23:30	Thursday 10:00 - 23:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 23:30	

Non Standard Timings for Recorded Music:

New Year's Eve until 00:00

Non Standard Timings for Late Night Refreshment and Alcohol:

### **The Opening Hours of the Premises**

Monday 08:00 - 23:30	Tuesday 08:00 - 23:30	Wednesday 08:00 - 23:30	Thursday 08:00 - 23:30
Friday 08:00 - 23:30	Saturday 08:00 - 23:30	Sunday 08:00 - 23:30	

Non Standard Timings:

New Year's Eve until 01:00

### **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: Ambiente Tapas Limited

Address: Green Lane Trading Estate  
Clifton Moor  
York  
YO10 5PY

Telephone number: None

Email address: zoe@ambiente-tapas.co.uk

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

6209010

### Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Jennifer Zoe Plummer

## 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.

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

### General

1. This licence excludes 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.

### Prevention of Crime & Disorder

2. The premises shall operate as a restaurant / cafe not as a bar or vertical drinking establishment providing food and non-alcoholic drinks.

3. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers, except into the designated outdoor area (Courtyard) as detailed in the premise plan.

4. Customers shall only be served by way of waiter / waitress service.

5. There shall be a minimum of 50 table covers available at all times.

6. A full food menu shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 1.5 hours before the end of permitted hours for the sale of alcohol.

7. An incident log / refusal register will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- all crimes reported to the venue
- any complaints received regarding crime and disorder
- any incidents of disorder
- any faults in the CCTV system
- any refusal of sale of alcohol
- any visit by a relevant authority of emergency service

With 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.]

8. 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 Premise Licence;
- permitted licensable activities;
- the licensing objectives; and
- opening times for the venue.

With 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.]

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 and at any other times where members of the public are present on the premises.

10. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.

11. The CCTV system will cover all areas of the premises occupied by the public, as outlined on the premises plan

12. The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.

13. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 48 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 responsible authority.

15. The premises shall operate the Challenge 25 policy for the sale of alcohol.

16. 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 technology eg thumb print or pupil recognition, is adopted by the Premises Licence Holder).

17. Customers carrying open or sealed bottles or glasses will not be admitted to the premises at any time.

18. A personal licence holder will be at the premises at all times when alcohol is being sold.

Outside area:

19. There shall be no more than 12 patrons in the outside area (Courtyard) at any one time to prevent public nuisance.

20. There shall be no smoking in the outside area (Courtyard).

Public Safety

21. Step and stair edges will be appropriately highlighted so as to be conspicuous.

22. Curtains, hangings and temporary decorations will be located so as not to obstruct exits, fire safety signs or fire fighting equipment.

23. Notices detailing the actions to be taken in the event of fire or other emergency will be prominently displayed and maintained in good condition.

24. An evacuation policy will be put in place. All staff members will be trained in fire and emergency evacuation procedures.

#### Public Nuisance

25. Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any neighbouring noise sensitive premises.

26. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.

27. Whilst recorded music is being played doors and windows shall remain closed other than for ingress and egress.

28. Staff will undertake a litter pick to a distance of 5 metres around the premises daily.

#### Protection of Children from Harm

29. Children under the age of 18 will not be permitted onto the premises unaccompanied by an adult.

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

1. Bottles should not be disposed of into the outside waste bins at night and will only be disposed of between 10:00 and 21:00.

2. In the outside area alcohol is only to be supplied ancillary to the provision of food to persons seated at tables and by waiter or waitress service only.

3. Alcohol is only to be supplied in the outside area from 10:00 until 18:00 Monday to Saturdays and 10:00 until 16:30 on Sundays and Bank Holidays.

4. The outside area shall be cleared of customers and closed by 19:00 Monday to Saturdays and 17:30 on Sundays and Bank Holidays.

For and on behalf of  
The Director of Economy & Place

Date: 09/04/2018

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