

Report from the Director – Environment, Transport & Planning

**Section 35(3) (a) Application for variation of a premises licence for
The Hilt, 57 Goodramgate, York YO1 7LS**

Summary

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC - 066940
3. Name of applicant: Hilt Adventures Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The application seeks to remove and amend conditions on the licence as follows:

Conditions 9, 11 & 14 to be removed.

9. The applicant must conduct a full risk assessment in respect of the axe throwing with a zero tolerance policy for consumption of alcohol prior to throwing. Customers must be made aware of this policy and a documented copy must be kept. This document must be kept for a minimum of 12 months and must be made available upon reasonable request from the Police or Responsible authority.

11. No customer who is identified as intending to take part in axe throwing shall be served any alcohol prior to throwing. They may be served alcohol following their throwing session only.

14. No alcohol is permitted in the 'throwing area' only in the restaurant/bar area as shown on the plans.

The suggested replacement conditions are contained within the operating schedule at paragraphs 10 to 14.

There is no change to the hours or licensable activity being sought by this variation application.

Background

6. A copy of the application can be found at Annex 1.
7. The premises is described in the application as an indoor axe throwing centre with restaurant/café.
8. The premises was granted a premises licence by the City of York Council in October 2020, a copy of the current licence is at Annex 2.

Promotion of Licensing Objectives

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

10. General

- a) All alcohol pre-purchased via booking.
- b) No alcohol sold to axe throwers on site.
- c) Strict enforcement of 2 drink limit.
- d) No spirits.
- e) All coaches trained to oversee sessions, one dedicated coach per group with max group size of 12.
- f) Axes are light and not kept sharp, targets and bays designed to eliminate bouncing, see addendum documents.
- g) Alcohol consumption is safest when controlled by organiser.
- h) Clearly communicated terms and conditions sent digitally at time of booking, again at check in and then once during safety briefing at start of session.

11. The Prevention of Crime and Disorder

- a) Axes locked away in staff room when not in use.
- b) Two alcoholic drinks per customer.
- c) Controlled session times, maximum duration of 75 minutes.
- d) Access to axe throwing bays controlled by manager.
- e) No public access to axe throwing area when sessions are not taking place.

12. Public Safety

- a) Regularly reviewed and updated safety standards and policies.
- b) Axes never removed from bays during sessions, controlled by dedicated axe coach at all times.
- c) Bays are separated by a barrier and corridor from the restaurant and bar area.

13. The Prevention of Public Nuisance

- a) All staff are trained to monitor alcohol consumption and enforce health and safety policy.
- b) No axe throwing sessions to run past 20:15.

14. The Protection of Children from Harm

- a) No alcohol permitted in groups where alcohol has been purchased.
- b) No persons under 18 permitted to attend in groups who have purchased alcohol.
- c) Propose designating venue as over 18 only unless food is being served.

Special Policy Consideration

15. This premises is located within the cumulative impact assessment area which was approved by Council on 21 March 2019. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4. During the representation period the Council published a revised Statement of Licensing Policy and Cumulative Impact Assessment, the revised Policy and Assessment were approved by Council on 24 March 2022. This premises still falls within the cumulative impact assessment area.

Consultation

16. 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.

17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police have made representations stating all four licensing objectives would be compromised if this application were granted. Furthermore the premises is situated within the Cumulative Impact Area and they request this application be refused. Their representation can be found at Annex 5.
19. City of York Council Public Protection (Health and Safety) has made a representation stating the objective of Public Safety will be compromised if this application were granted. Their representation can be found at Annex 6.

Summary of Representations made by Other Parties

20. There have been no relevant representations received from other persons.
21. A map showing the general area around the venue is attached at Annex 7.
22. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

Options

23. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Modify the conditions of the licence
25. Option 2: Reject the whole or part of the application. and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Analysis

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

Council Plan

29. 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.
30. 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

31.

- **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

32. 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.

33. 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

34. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

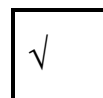
Contact Details

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**Report
Approved**



Date
22.04.2022

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

Wards Affected:

For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Copy of Current Premises Licence
- Annex 3** - Cumulative Impact
- Annex 4** - Licensing Policy Annex
- Annex 5** - North Yorkshire Police Representation
- Annex 6** - Public Protection (Health & Safety) Representation
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy