

Report from the Director – Environment & Regulatory Services

Section 100 Licensing Act 2003, The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016 and the Police Reform and Social Responsibility Act 2011:

Submission of a Temporary Event Notice (TEN) for Little J’s, Chapel House, North Street, York, YO1 6JD

Summary

1. This report seeks Members determination of a Temporary Event Notice (TEN) submitted under the Licensing Act 2003 to authorise the sale by retail of alcohol and the provision of regulated entertainment for a two-day event scheduled to take place on 31 October and 1 November 2025.
2. Reference number: CYC- 79604
3. Name of premises user: Graham Dykes
4. Type of authorisation applied for: Temporary Event Notice
5. Summary of application: The nature of the TEN is to allow for the sale by retail of alcohol and the provision of regulated entertainment, for a music, poetry, storytelling, drag, etc at “Moral Panic” York’s trans-friendly LGBTQI+ open-mic cabaret with pop-up bar for the LGBTQI+ community. The event is scheduled to take place Little J’s, Chapel House, North Street, York on 31 October and 1 November from 16:00 hours 31 October until 02:00 hours on 1 November for an occupancy of 99 people. This premises does not hold a premises licence.

Background

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises

certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 499.

7. The Police and Environmental Protection Officers can object to a TEN on the grounds that it would undermine any of the four licensing objectives;
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
8. A copy of the TEN is attached at Annex 1.

Promotion of Licensing Objectives

9. There is no requirement for a premises user to indicate how the licensing objectives will be met and there is no provision on the TEN application form to allow for this information to be entered.

Special Policy Consideration

10. This premises is located within the cumulative impact assessment area which was approved by full council on 27 March 2025. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 2.

Consultation

11. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.
12. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

Summary of Objections

13. The Environmental Protection Team have mediated with the applicant and an agreement has been reached. The agreement can be found at Annex 3.

14. An objection to the TEN has been received from North Yorkshire Police on the grounds the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives will be undermined if the event is to take place. A copy of the objection is attached at Annex 4.

Options

15. By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
16. Option 1: Modify the terms of the TEN.
17. Option 2: Issue a counter notice refusing authorisation of the TEN.
18. Option 3: Choose not to issue a counter notice

Analysis

19. The following could be the result of any decision made this Sub Committee:-
20. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
21. Option 2: This decision could be appealed at Magistrates Court by the premises user.
22. Option 3: This decision could be appealed at Magistrates Court by the objector.

Council Plan

23. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
24. 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 commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

25.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 – to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions.

An Equalities Impact Assessment can be found at Annex 5.

- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the objectors.
 - **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

26. 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.

27. 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

28. Members determine the application.

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

Contact Details

Author:

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Chief Officer Responsible for the report:

Dave Atkinson
Director Environment & Regulatory Services

**Report
Approved**

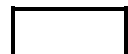


Date 14/10/2025

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of TEN
- Annex 2** - Cumulative Impact Assessment
- Annex 3** - Agreement
- Annex 4** - Copy of objection
- Annex 5** - Equalities Impact Assessment
- Annex 6** - Legislation and Policy Considerations