

Meeting	Licensing/Gambling Hearing
Date	28 August 2025
Present	Councillors Nicholls, Rose and Wells
Officers in Attendance	Lesley Cooke – Licensing Manager Sandra Branigan – Legal Advisor Lucy Waller – Legal Advisor

15. Chair (10:03am)

Resolved: That Councillor Rose be elected to act as Chair of the hearing.

16. Apologies for Absence (10:03am)

Resolved: That Councillor Rose be elected to act as Chair of the hearing.

17. Introductions (10:03am)

Introductions were made.

18. Declarations of Interest (10:03am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

19. Exclusion of Press and Public (10:04am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

20. The Determination of an Application by Brewhemian Hopsody Ltd for a Premises Licence [Section 18(3) (a)] in respect of 42 Broadway, York, YO10 4JX (CYC-081644) (10:04am)

Members considered an application by Brewhemian Hopsody Ltd. for a determination of application for variation of a Premises Licence [Section 18(3)(a) Licensing Act 2003] in respect of 42 Broadway, York, YO10 4JX. In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. The Prevention of Public Nuisance In coming to its decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objective, including:
 1. The application form.
 2. The papers before it including the written representations received from local residents.
 3. The Licensing Manager's report and her comments made at the Hearing. The Licensing Manager outlined the report and the annexes noting the hours applied for opening and supply of alcohol. The Licensing Manager confirmed that the premises was not located within the Cumulative Impact Area (CIA), consultation had been carried out correctly and directed members to the representations made by local residents at Annex 4. She then advised the Sub-Committee of the options open to them in determining the application.

In response to questions from the representor in attendance at the hearing, the Licensing Manager confirmed that a Noise Management Plan would be produced mandatorily once a licence is granted, should the agreed conditions seen in annex 3 of the agenda be applied. She noted that only sealed containers would be permitted to leave the licensable area, and that a dispersal policy is a policy to ensure nuisance wouldn't be caused when customers leave the premises.

In response to questions from members, the Licensing Manager confirmed that the plan area outlined in red was the licensable area, and that off sales would not be permissible to the unlicensed area should the agreed conditions seen in annex 3 of the agenda be applied.

4. The Applicant's representation at the hearing.

Amanda and Katie Speed (the Applicants, on behalf of Brewhemian Hopsody Ltd.) presented their case.

Katie Speed detailed that the premises was to be an independent craft beer room for the community and for craft beer enthusiasts. She stated that the application had been made in consultation with ward councillors, North Yorkshire Police, and those who had submitted representations – following this she mentioned that they had worked on a noise management plan and noted that direct neighbours had not raised concerns.

Katie Speed continued to state that the sale of alcohol does not directly lead to noise, antisocial behaviour, or overconsumption. There would be a strict challenge 25 policy and mandatory staff training, and a dispersal policy would be in place to arrange public transport for customers and to stop loitering on the streets. CCTV cameras would be used to deter antisocial behaviour, and it was highlighted that crime statistics showed no recent antisocial behaviour within the immediate area.

Katie continued to confirm that professional sound proofing within building had been approved and that although Broadway was a busy area and has a loud background level, there was an expected increase in noise of only 2 decibels. No bins would be emptied externally before 08:00 hours or after 20:00 hours, and staff would monitor noise levels at regular intervals.

Katie concluded that there was a school within close proximity to the premises and that there were other businesses selling alcohol near to the school as well. There would be a company policy of no children to be unaccompanied by an adult at any time – and under 18s would be asked to leave by 19:00 hours.

In response to questions from a representative, Amanda and Katie Speed confirmed that:

- There were no longer plans to position seats and tables out on the front area of the premises.
- Anyone causing noise concerns would be asked to leave the premises, and professional noise assessments had only shown a slight expected increase in noise.

In response to questions from the Sub-Committee, Amanda and Katie Speed confirmed that:

- Anyone under the age of 18 would be asked to leave by 19:00 hours.
- Seating would be provided for 30 people inside, and seating outside would be based on 20 people.
- The beer garden would be closed with the lights turned off at 21:00 hours.
- Bins would be provided in the beer garden, and external bins would not be emptied overnight.
- There was no expectation of experiencing trouble with the number of people in the beer garden coming inside as it would be expected that those using the beer garden would leave it got darker outside – and there were possibilities of closing early etc. if issues did arise from this.
- They would work with the local Co-Op in their regular litter picking.

5. The representation of Trevor Palmer, a local resident, at the hearing.

Trevor Palmer noted that parking was very congested on Broadway already and that people often park and stay for long periods of time due to the nature of other businesses in the area. He mentioned that noise was becoming an issue in what was a residential area, and that as planning permission had already been granted to the Applicants, he believed that the decision had already been made to grant the licence.

In response to questions from the Applicants, Mr. Palmer confirmed that he didn't live directly on Broadway.

The Licensing Manager confirmed that licence could be approved or rejected regardless of planning permission, and that the processes were completely separate and could be applied for in any order.

The Applicants were then given the opportunity to sum-up.

They confirmed that they wanted to encourage the use of public transport to and from the premises and would seek to use transport initiatives such as incentivising the use of busses within price deals. They concluded by stating that craft beers could be expensive, and people typically wouldn't come out to over-drink these types of beers which primarily attracted beer enthusiasts.

The Representor declined the opportunity to sum-up.

In response to question from the Sub-Committee, the Licensing Manager confirmed that:

- Although parking itself was a planning issue, the Sub-Committee could be concerned with parking with regard to an increase of public nuisance.
- A previous licence for the premises lapsed earlier this year, but it was reported that this was not due to any public nuisance concerns.
- Restrictions on outside tables could only restrict licensable activities and so un-licensable activities could still happen at the front of the premises regardless of licence conditions.
- The licence would automatically stipulate that under 16s could be on the premises until 00:00 hours but the Applicants could potentially agree to conditions lowering this.
- Conditions on the number of people inside premises could be added if required by the Sub-Committee.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Modify the conditions of the licence; 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. This option was rejected.

Option 2: Reject the whole or part of the application. This option was approved.

In approving Option 2, the Sub-Committee resolved to grant the licence as applied for and to also add two additional conditions (Option 2), as follows:
Additional conditions:

- i. A noise management plan shall be submitted and approved by The Environmental Protection Team of City of York Council within 2 months of the premises licence being granted. The Noise Management Plan shall include a procedure for investigating noise complaints received from the premises. Once agreed the Premises Management shall ensure compliance with all aspects of the approved Noise Management Plan.
- ii. No waste, including bottles, shall be removed from or placed in outside areas between 21:00 hours and 08.00 hours on the following day.

Proposed Activity	Timings
Supply of Alcohol On and Off the Premises	11:00 to 21:30 Sun to Thurs 11:00 to 22:30 Fri and Sat
Opening Hours	11:00 to 22:00 Sun to Thurs 11:00 to 23:00 Fri and Sat

Reasons for the Decision:

In reaching its decision the Sub-Committee carefully reviewed and gave due consideration to the information presented by all parties, including the oral submissions made by the Representor and Applicant. The Sub-Committee decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the Sub-Committee. The decision was reached for the following reasons:

The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

The Sub-Committee noted that the premises are not located within in the Cumulative Impact Area.

The Sub-Committee carefully considered all representations and evidence received both in favour of and in objection to the application. The objectors raised a range of concerns including regarding potential noise levels, potential exacerbation of existing parking difficulties, the potential for littering in a nearby alleyway, and the proximity of the premises to local schools. The Sub-Committee noted the concerns and considered the impact of them on the licensing objectives.

Members considered the representations about the likely effect of the grant of a licence on the prevention of public nuisance licensing objective and acknowledged that there were no representations about this from responsible authorities. The Sub-Committee also considered the representations made by the Applicant in response to the concerns raised, including that they had agreed an additional condition with Public Protection to submit a noise management plan. They noted that Public Protection had therefore withdrawn their representation. The Sub-Committee further noted that the Applicant had made arrangements for their waste receptacles to be collected after 8am and were agreeable to a condition that no waste, including bottles shall be removed from or placed in outside areas between 9pm and 8am. Given the representations in objection received from residents, the Sub-Committee considered that it would be necessary to add such a condition to the licence in order to promote this licensing objective.

It was also noted that the beer garden area was not included as part of the licensable area in this application and so at present can only be used for consumption of off sales of alcohol supplied in sealed containers (given that consumption of alcohol is not a licensable activity).

Additionally, the Applicant also proposed in its operating schedule that the beer garden area will close at 9pm each day to limit noise disturbance to neighbours. The Applicant will have a Challenge 25 policy, and the Sub-Committee accepted the Applicant's assurances that they will be predominantly selling expensive craft beer. The Sub-Committee therefore considered that it had received sufficient assurances from the Applicant in order to have a high level of confidence that the premises would be operated responsibly, and the Sub-Committee was satisfied that the proposed operating schedule and additional above-mentioned conditions would be sufficient to promote this licensing objective.

Members considered the representations and the likely effect of the grant on the prevention of crime and disorder licensing objective. Members had regard to the s182 Guidance which states that the police are usually the main source of advice on crime and disorder and gave great weight to the fact that the police had not made any representation.

Members were satisfied that the operating schedule would be sufficient to promote the prevention of crime and disorder objective, particularly the Challenge 25 policy and that it will not operate as vertical drinking establishment.

Members had regard to the concern raised about the likely effect of the grant on the licensing objectives of the protection of children from harm and public safety. Members were satisfied from the proposed measures offered by the Applicant, particularly the Challenge 25 policy, that these objectives would not be undermined. Whilst noting residents' concerns, the Sub-Committee felt that the potential exacerbation of existing parking difficulties was not relevant to the licensing application.

Accordingly, in all of the circumstances of the case and based on the evidence presented to it, the Sub-Committee was satisfied that the decision to grant the licence subject to the additional conditions was justified as being appropriate and proportionate for the promotion of the licensing objectives.

The Sub-Committee noted that if evidence of noise nuisance or other issues arise from the use of the premises for the licensable activities in future then it was open to any person (including Responsible Authorities and residents) to request a review of the licence in the future under the provisions of the Licensing Act 2003 if they consider that one or more of the licensing objectives are being undermined.

Cllr Rose, Chair

[The meeting started at 10.03 am and finished at 11.26 am].