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Meeting	Licensing/Gambling Hearing
Date	3 April 2014
Present	Councillors Boyce, Gillies and Richardson
In Attendance	Councillor Looker

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**71. Chair**

Resolved: That Councillor Boyce be elected as Chair of the meeting.

**72. Introductions**

**73. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

**74. The Determination of an Application by Post Office Employees Social Club for a Premises Licence Section 18(3)(a) in respect of 26 Marygate, York YO30 7BH (CYC-023099)**

Members considered an application by Post Office Employees Social Club for a Premises Licence.

In coming to their decision Members took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives. The following were taken into account:

1. The application form, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and her comments made at the Hearing, including the fact that the venue currently operated as a registered club under a Club Premises Certificate and as such admissions were limited to club

members and their guests except on those occasions when the club operated under a Temporary Event Notice. The premise was not located within the special policy area. City of York Council's Environmental Protection Unit and North Yorkshire Police had met with the applicants who had agreed to a number of conditions being attached to the licence if granted. A map was tabled indicating the location of the premises.

3. The applicant's representations at the Hearing, including comments that the club was looking to make a fresh start following previous issues that had arisen. Details were given of the work that had taken place in respect of soundproofing and of the type of events that the club was looking to hold.
4. The representations made in writing and at the hearing, including representations made by a ward councillor. Issues raised included:
  - The residential nature of the area in which the premises were sited and the impact that the club had on local residents.
  - Concerns that the club would become primarily a music venue.
  - Concerns that public nuisance that would be caused, not only during events but also when people were entering and leaving the premises or were smoking outside the building.
  - Concerns regarding the operation and management of the premises in the past, including the issuing of a noise abatement notice.
  - Issues in respect of the car park.
  - Concerns that the proposed operating hours would exacerbate the situation for residents.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of 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 35(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for and including any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was rejected as the Sub-Committee considered that it was necessary to add or modify any conditions to meet the Licensing Objectives.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was approved as the Sub-Committee considered there to be reason to modify or add any conditions to meet the Licensing Objectives.

Option 3: Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **rejected** as the Sub-Committee considered there was no reason to exclude any of the licensable activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

Option 4: Reject the application. This option was **rejected**, as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

In coming to their decision of approving the above Option 2 the Sub-Committee then imposed the following additional conditions as agreed with City of York Council's Environmental Protection Unit and as amended:

1. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints received by Post Office Employees' Social Club and Institute Limited.
2. A documented customer dispersal policy and policy for the management of the front outside area of the premises to address any potential nuisance, shall be submitted and approved by City of York Council within two months of the licence being granted once approved it shall be implemented.

3. An alarm system shall be installed and be operational during hours of opening to the public which alerts staff when the rear fire door has been opened.
4. Prominent, clear and legible notices shall be displayed on all fire exits stating that fire exits are for emergency use only.
5. Documented patrols shall be carried out by members of staff at no less than hourly intervals during periods that live or recorded music is playing within the premises. These checks shall be undertaken outside the building to the front and rear to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with Condition 6.
6. No music or amplified sound shall be audible at the boundary of the car park to the rear of the premises.
7. Staff training shall be given and documented regarding all matters relating to the license and its conditions. Records of training shall be kept for 3 years.
8. No live or recorded music shall be played in any part of the external area.
9. All doors (except for ingress or egress) and windows shall remain closed whilst live or recorded music are being played.
10. Signs shall be displayed near the exits reminding members and guests to respect the needs of those living nearby and to leave the premises as quietly as possible.
11. Bottle and glass collections shall take place between 08:00 and 20:00 hours Monday to Friday.
12. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

The Sub-Committee also imposed the following additional conditions as agreed with North Yorkshire Police and as amended:

1. The venue shall operate (managerially) as a members club with an Executive Committee in place at all times but shall have the ability to allow non members entry under the terms of the premises licence.
2. A CCTV system will be installed to cover all public entry points to enable formal identification of the head and shoulders of every person entering in any lighting condition.
- 2(a) Within six months of the premises licence being granted a

CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.

3. The CCTV system will be maintained, working and recording at all times when the premises are open.
4. The recordings shall be of good evidential quality to be produced in court or other such hearing.
5. Copies of the recordings will be kept available for any responsible authority for 28 days.
6. Copies of the recordings shall be made available for any responsible authority within 48 hours of request.
7. Copies of the recordings will display the correct time and date of the recording.
8. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
9. Such records (referred to in condition 8) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
10. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behavior and ejections from the premises.
11. Both documents (referred to in condition 10) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
12. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
13. The use of the venue under the terms of the premises licence shall be for pre-booked events/functions only.
14. Ordinarily, at least 21 days notice shall be given to the Police of forthcoming events/functions and that formal notification shall include the fact that the event is being run under the terms of the premises licence (not the club premises certificate).
15. Events that fall within the 21 day notification period can go ahead but only with the formal consent of the police. Such short notice events must still be pre-booked with no general entry to members of the public and would include events such as charity events/funeral gatherings/celebratory events.

16. For pre-booked celebratory events (celebration parties) there shall be no general entry to members of the public.
17. For pre-booked live music events where members of the public can pay on entry there shall be an adequate number of door supervisors (at least one) deployed at the venue from 20:00hours until the venue closes.

The Sub-Committee also amended the timings of the following licensable activities:

Films	Monday – Sunday	12:00 – 24:00
Live music	New Year’s Eve	12:00 - 02:00
Recorded music	New Year’s Eve	12:00 – 02:00
Late night refreshment	Monday – Sunday	23:00 – 24:00
	New Year’s Eve	23:00 – 02:00
Supply of alcohol	Monday – Sunday	12:00 – 24:00
	New Year’s Eve	12:00 – 02:00

The Sub-Committee also amended the opening times for the premises as follows:

Opening times	Monday – Sunday	09:00 – 00:30
	New Year’s Eve	09:00 – 02:30

It was agreed that all conditions offered by the applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, should be included in the licence, unless contradictory to the above conditions.

#### Reason for the Decision

The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council’s Statement of Licensing Policy and the Secretary of State’s Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee only took into account evidence relevant to the licensing regime and the promotion of the licensing objectives.

The Sub-Committee considered the representations made by residents that the grant of the premises licence would lead to

more people attending the premises and would increase noise, public nuisance and disorder associated with the premises.

The Sub-Committee noted that there has been a history of noise problems at the premises and that a noise abatement notice has been issued. They also noted that there had been no objection from the Responsible Authorities and that the Police and EPU had agreed a number of proposed conditions with the applicant to address disorder and public nuisance issues. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to be satisfied that the current noise problems with the premises are being addressed by the applicant, that work is taking place to insulate the premises so that music will not disturb local residents and that the premises would be operated responsibly to avoid noise nuisance to local residents, particularly late at night. It also took into account that the premises would not be operated as a pub/night club under the terms of the premises licence.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions which were appropriate and proportionate and addressed representations of local residents made both in writing and at the hearing, as it met all the licensing objectives and addressed concerns raised by representors.

Consequently, the Sub-Committee considered that all four licensing objectives would be met in granting the application with amended opening hours and timings for the licensable activities and conditions but reminded the applicant of the necessity of upholding the licensing objectives and the possibility of reviewing the licence if it was found that the licensing objectives were not being upheld.

**Resolved:** That Members determined the application in line with Option 2.

**Reason:** To address the representations made.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 1.05 pm].