



Agenda

Meeting: **LICENSING HEARING**
Date: **13 JANUARY 2012**
Time: **10.00AM**
Venue: **COUNCIL CHAMBER**
To: **Councillor Mrs S Ryder, Councillor Sayner and Councillor J Thurlow**

1. Apologies for absence

2. Disclosures of Interest

Members of the Executive should disclose personal or prejudicial interest(s) in any item on this agenda.

3. Guidance on procedure for hearing licensing applications

4. Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.

5. Application for a Premises Licence

To receive the report of the Senior Enforcement Officer L/11/18 (pages 3 to 38 attached)

Jonathan Lund
Deputy Chief Executive

Enquiries relating to this agenda, please contact Karen Mann on:
Tel: 01757 292207 Email: kmann@selby.gov.uk

Guidance on procedure for hearing licensing applications

The Chair introduces him/herself, the other members of the panel, the Clerk to the panel and any officers present

The Chair will ask the parties to introduce themselves, and provide details of any witnesses they will be calling. If more than one interested party, the Chair will ask whether a representative can be appointed to speak on their behalf.

The Clerk summarises the hearings procedure, any time limits for speakers and any additional information to be produced by the parties.

The Licensing Officer gives a summary of his report and any representations received.

The Chair asks for questions for the licensing officer from members, and then the Applicant, responsible authorities, interested parties and officers.

The Applicant or their representative makes a brief opening statement and may call witnesses relevant to the application.

The Chair asks for questions for the applicant from members, and then responsible authorities, interested parties and officers.

Responsible Authorities or their representative makes a brief opening statement and may call witnesses relevant to the application.

The Chair asks for questions for the responsible authorities from members, and then the applicant, interested parties and officers.

The Interested Parties or their representative makes a brief opening statement and may call witnesses relevant to the application.

The Chair asks for questions for the interested parties from members, and then the Applicant, responsible authorities and officers.

The Chair asks the responsible authorities or their representative if they wish to sum up their case, without adding any new evidence.

The Chair asks the interested parties or their representative if they wish to sum up their case, without adding any new evidence.

The Chair asks the applicant or their representative if they wish to sum up their case, without adding any new evidence.

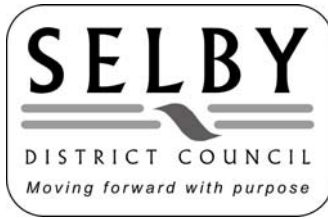
The Chair confirms with all parties that they have had an opportunity to say all they wanted to say in relation to the application.

The Clerk advises the meeting that the panel will retire to deliberate and reach a decision.

Meeting reconvenes

The Chair announces the decision of the committee

Meeting Closes



Report Reference No: L/11/18

Agenda Item No: 5

Title: Section 35(3)(a) Application for a Premises Licence for Chique, Ousegate, Selby YO8 4NH

To: Licensing Act 2003 Sub-Committee

Date: 13 January 2012

Service Area: Customers and Business Support

Author: Tim Grogan, Senior Enforcement Officer

Presented by: Tim Grogan, Senior Enforcement Officer

1. Summary

- 1.1 To seek the determination by the Licensing Sub Committee of an application for a Premises Licence where relevant representations have been received.
- 1.2 Application reference: TAG/C
- 1.3 Name of Applicant: Lynn Wood
- 1.4 Type of authorisation applied for: The nature of the application is to grant a premises licence for Chique, Ousegate, Selby. The applicant requests that the licence be granted for the provision of: regulated entertainment in the form of live music, recorded music, performance of dance and anything of a similar description thereto; entertainment facilities in the form of making music, dancing and entertainment similar thereto; late night refreshment and sale by retail of alcohol from:
 - (a) Monday between 12:00 – 01:00
 - (b) Tuesday and Wednesday between 16:00 – 00:01
 - (c) Thursday between 12:00 – 02:00
 - (d) Friday and Saturday 12:00 – 03:00
 - (e) Sunday between 12:00 – 0200

2. Background

- 2.1 A copy of the application for a Premises Licence is attached at Annex 1.

3. Promotion of Licensing Objectives

- 3.1 The applicant proposes to operate as a responsible and effective manager of the premises in order to promote the licensing objectives and this detail is contained in section P of the Premises Licence Application at Annex 1.

4. Consultation

- 4.1 Consultation was carried out by the applicant in accordance with section 13, and section 17(5) of the Licensing Act 2003 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, by a notice delivered to properties in the vicinity giving details of the application and by serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements in this regard.

5. Summary of representations made by Responsible Authorities

- 5.1 Representations have been received from two Responsible Authorities listed at Annex 2. The representations are in the form of the Police and Selby District Council's Environmental Health Services. The representations are attached at Annex 3 and 4. Essentially representations are in line with the Licensing objectives regarding the prevention of public nuisance.

6. Summary of representations made by interested parties

- 6.1 Representations have been received from 6 interested parties listed at Annex 5. The representations are attached at Annex 6. Essentially the representations are in line with the Licensing objectives regarding the prevention of crime and disorder and the prevention of Public Nuisance.
- 6.2 A map of the area showing the various locations is attached at Annex 7. An interested party is defined at section 13(3) of the Act as being a person living in the vicinity of the premises and the interested party is therefore duly qualified.
- 6.3 Councillors are reminded that Representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

7. Licensing Officer's report

- 7.1 The Licensing Act 2003 requires that licences be acquired for premises providing regulated entertainment in the form of live music, recorded music, performance of dance and anything of similar description thereto; entertainment facilities in the form of making music, dancing and entertainment similar thereto; late night refreshment and sale by retail of alcohol.

- 7.2 On the 23rd November 2011 Lynn Wood made application to Selby District Council for a Premises Licence in respect of Chique, Ousegate, Selby.
- 7.3 Under the Licensing Act 2003 the terms of the application are for the licence to authorise:
Provision of; regulated entertainment in the form of live music, recorded music, performance of dance and anything of a similar description thereto; entertainment facilities in the form of making music, dancing and entertainment similar thereto; late night refreshment and sale by retail of alcohol from:
(a) Monday between 12:00 – 01:00
(b) Tuesday and Wednesday between 16:00 – 00:01
(c) Thursday between 12:00 – 02:00
(d) Friday and Saturday 12:00 – 03:00
(e) Sunday between 12:00 – 02:00
- 7.4 There are 4 Licensing Objectives with which the Licence Holder has to comply in order to operate within the Licensing Act, they are:
- **the prevention of crime and disorder**
 - **public safety**
 - **the prevention of public nuisance**
 - **the protection of children from harm**
- 7.5 In this particular case representations have been received from the Police and Environmental Health Services (EHS) and 6 Interested Parties (residents). Essentially all representations relate to issues of:
- **the prevention of crime and disorder**
 - **the prevention of public nuisance**
- The representations relate to: the likelihood of **crime and disorder** in terms of the likelihood of swearing and fighting, and measures to prevent that behaviour; **public nuisance** in terms of the likelihood of increased levels of **noise from the premises, noise from customers and obstruction of the footpath.**
- 7.6 Dealing with the Police it is agreed that providing the Licence Holder complies with conditions recommended by that authority they will have no opposition to the activities and the hours applied for. The Licence Holder, as I understand it, is willing to accept the imposition of these conditions.
- 7.7 Dealing with EHS it is agreed that providing the Licence Holder complies with the conditions recommended by that department they will have no opposition to the activities and the hours applied for. The Licence Holder, as I understand it, is willing to accept the imposition of these conditions.
- 7.8 With regard to the Interested Parties it is clear that they anticipate that there will be a disruption to the immediate environment of the premises should the

licence be granted in the terms applied for. In particular they refer to the increased likelihood of **fighting, swearing, increased levels of noise and obstruction of the footpath.**

8. Licensing Department's Conclusion

8.1 The Licensing Department's view is that the Licensing Sub-Committee makes its decision having considered the information submitted in the attached case papers and the additional verbal evidence presented to it today.

8.2 The issues are quite clear. The Police and EHS consider that providing the Licence Holder complies with the conditions recommended neither of those organisations would have any opposition to the activities and hours applied for.

8.3 The residents, on the other hand, consider that the terms in which the licence has been applied for will increase the likelihood of: *crime and disorder* in relation to the increased likelihood of fighting and swearing; *nuisance* in relation to the increased levels of noise created by the premises, increased levels of noise created by customers visiting the premises and obstruction of the footpath by smokers from the premises. It should be understood that issues connected to restricting the number of licensed premises to the area and planning are not supported respectively by the Police or Planning department and are not within the gift of this committee. However, the Licensing Sub-Committee may implement such conditions as they deem appropriate in the circumstances regarding the all other issues raised.

8.3 Should this Sub-Committee recommend the grant of a Premises Licence to Chique the Enforcement Section of the Council would strictly enforce any conditions imposed as warnings are no longer necessary given the attention drawn to the matter as a consequence of this hearing.

9. Options

9.1 The Sub Committee have the following options available to them in making their decision:

Option 1: Grant the premises licence in the terms applied for.

Option 2: Grant the premises licence with modified/additional conditions imposed by the Licensing Sub Committee

Option 3: Grant the premises licence to exclude any of the licensable activities to which the application relates and modify/add conditions.

Option 4: Reject the application.

10. Analysis

10.1 The following could be the result of any decision made by this Sub Committee:

Option 1: This decision could be appealed at Magistrates' Court by the representor.

Option 2: This decision could be appealed at Magistrates' Court by the applicant or the representor.

Option 3: This decision could be appealed at Magistrates' Court by the applicant or the representor.

Option 4: This decision could be appealed at Magistrates' Court by the applicant.

11. Licensing Objectives

11.1 The Licensing Act 2003 has 4 objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

12. Implications

12.1 Community safety and crime: The Sub 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 cooperate in the reduction of crime and disorder in the district.

13. Risk Management

13.1 The consequence of certain decisions made by the Licensing Sub-Committee could be appealed at Magistrates Court by the applicant. In addition, any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty. Please see **item 10 (Analysis)** for details.

14. Recommendations

14.1 Councillors determine the application.

ANNEX 1

Copy of the application for a Premises Licence for Chique, 38, Ousegate, Selby.

Friday 13

SELBY
IN THE VALE OF YORK

CENTRAL SERVICES
23 NOV 2011
RECEIVED

SELBY DISTRICT COUNCIL
Civic Centre, Portholme Road, Selby, YO8 4SB.

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/we LYNN WOOD (insert name(s) of applicant) apply for premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordinance survey map reference or description <u>CHIQUE. OUSEGATE</u>	
Post town <u>SELBY</u>	Post code <u>YO8 4NH</u>

Telephone number of premises (if any)	
Non domestic rateable value of premises	<u>£ 4,900</u>

Part 2 – Applicant Details

Please state whether you are applying for the licence as:

- Please tick ✓
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)

- e) The proprietor of an educational establishment please complete section (B)
- f) A health service body please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) The chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - o Statutory function; or
 - o A function discharged by virtue of Her Majesty's prerogative

(A) **INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	5	12 2011

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5000 or more people attend the premises at any one time, please state the number expected to attend

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Please give a general description of the premises (please read guidance note 1)

The premises are a commercial business which used to be licensed to sell alcohol. It has one bar to sell alcohol in the downstairs area. At the rear of the building there is a beer garden area which has a decked floor area and is enclosed, also there is a fire/emergency exit in this area. In the downstairs area will be none fixed seating areas including tables and chairs. Also there will be a DJ booth which will be a fixed area. There are toilets male and female separate from each other. There is full emergency lighting and smoke detectors and alarms in all areas. CCTV will be fitted. The upstairs area is not in use and will not be able for public access. There is a front door to enter the premises and also another door at front used as a fire exit.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12.00	01.00	Please give further details here (please read guidance note 3) MUSIC PLAYED BY VOCAL SINGER/BAND	Both	
Tue	16.00	00.01		MUSIC WILL BE AMPLIFIED. WILL NOT BE ON MOST TIMES.	
Wed	16.00	00.01	State any seasonal variations for the performance of live music (please read guidance note 4) NONE		
Thur	12.00	02.00			
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) NO ONLY IF PRIVATE PARTIES.		
Sat	12.00	02.00			
Sun	12.00	02.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12.00	01.00	Please give further details here (please read guidance note 3) WILL HAVE A DJ ON PLAYING AMPLIFIED MUSIC. MAINLY THURS TO SUN NIGHTS. REST OF WEEK BACKGROUND MUSIC.	Both	
Tue	16.00	00.01			
Wed	16.00	00.01	State any seasonal variations for the playing of recorded music (please read guidance note 4) NONE		
Thur	12.00	02.00			
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5) ON ODD OCCASION IS - PRIVATE PARTY.		
Sat	12.00	03.00			
Sun	12.00	02.00			

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12.00	01.00	Please give further details here (please read guidance note 3) <i>There will be dance floor area dedicated for this amplified music.</i>	Both	
Tue	16.00	00.01			
Wed	16.00	00.01		State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur	12.00	02.00		<i>NONE</i>	
Fri	12.00	03.00		Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12.00	03.00		<i>ONLY IF PRIVATE PARTIES.</i>	
Sun	12.00	02.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12.00	01.00	Please give further details here (please read guidance note 3) <i>DANCING TO AMPLIFIED MUSIC</i>	Both	
Tue	16.00	00.01			
Wed	16.00	00.01		State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
Thur	12.00	02.00		<i>NONE</i>	
Fri	12.00	03.00		Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12.00	03.00		<i>ONLY IF PRIVATE PARTIES.</i>	
Sun	12.00	02.00			

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			VOCAL SINGER OR BAND OR DJ AND BACKGROUND RECORDED MUSIC.	
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	12.00	01.00	AMPLIFIED MUSIC WHEN IN USE.	
Tue	16.00	02.01		
Wed	16.00	00.01	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	12.00	02.00	NO	
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat	12.00	03.00		
Sun	12.00	02.00		
			ONLY IF PRIVATE PARTIES	

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
			Indoors <input checked="" type="checkbox"/>	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	12.00	01.00	AMPLIFIED MUSIC FOR PARTYING	
Tue	16.00	00.01		
Wed	16.00	00.01	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	12.00	02.00	NO	
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat	12.00	03.00		
Sun	12.00	02.00		
			ONLY IF PRIVATE PARTY	

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing <i>ENTERTAINMENT FOR PRIVATE PARTIES</i>								
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish	Please give further details here (please read guidance note 3)								
Mon	12.00	01.00	<i>AMPLIFIED MUSIC AND DANCING WHEN REQUIRED.</i>								
Tue	16.00	00.01									
Wed	16.00	00.01	State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)								
Thur	12.00	04.00	<i>NO</i>								
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5)								
Sat	12.00	03.00									
Sun	12.00	03.00									
			<i>PRIVATE PARTIES</i>								

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish	Please give further details here (please read guidance note 3)								
Mon	12.00	01.00	<i>SERVING ALCOHOL AND SOFT DRINKS ALSO TEA AND COFFEE. ENCLOSED DEER GARDEN WILL BE IN USE ALSO. TILL 12.00 HRS.</i>								
Tue	16.00	00.01									
Wed	16.00	00.01	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)								
Thur	12.00	02.00	<i>NO</i>								
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)								
Sat	12.00	03.00									
Sun	12.00	02.00									
			<i>PRIVATE PARTIES.</i>								

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Mon	12.00	01.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	NO	
Tue	16.00	00.01			
Wed	16.00	00.01			
Thur	12.00	02.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)	PRIVATE PARTIES.	
Fri	12.00	03.00			
Sat	12.00	03.00			
Sun	12.00	02.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name *STEPHEN TOWERS*

Address
8 HEMPBRIDGE ROAD, SELBY.

Postcode *YO8 4XX*

Personal licence number (if known) *LN/000003168*

Issuing licensing authority (if known) *SELBY DISTRICT COUNCIL*

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

There will be CCTV fitted, Door Supervisors employed, Staff Training, Looking out for unfit persons including drug taking. Working with local Pub Watch and Police. Keeping Regular Log Books for fire and safety checks. Amplified music will be monitored. Beer garden will be closed at 23.00. Police signs to the public to leave premises quite. Under age drinking so will be checking ID cards. Any litter outside premises will be cleared.

b) The prevention of crime and disorder

CCTV installed, Door Supervisors, Bar Staff Training. The misuse of drug taking. AND Alcohol not served to drunken persons. ^{Proof of ID cards in use} being included in local Pub Watch scheme. Be aware of under age drinking.

c) Public safety

All fire exits clearly marked. CCTV, Door Supervisors present. Incident log books. Regular fire alarm checks. Staff training. Local Pub Watch in use.

d) The prevention of public nuisance

All litter outside of building will be cleared. The rear of premises leading to beer garden will be closed at 23.00 hrs. And a door supervisor will be present. Amplified music will be kept to a minimum level. And front door will be closed when possible. Also signs will be put up to ask to be quite when leaving.

e) The protection of children from harm

CCTV monitored staff training. No running or climbing about make sure parents are in control. No children at bar area and have regular walk around the premises to check for under age drinking. Also any broken glass cleaned up ASAP. ^{also limit alcohol}

- Please tick ✓ Yes
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises *To follow*
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

Date *18/11/11*

Capacity *Proprietor*

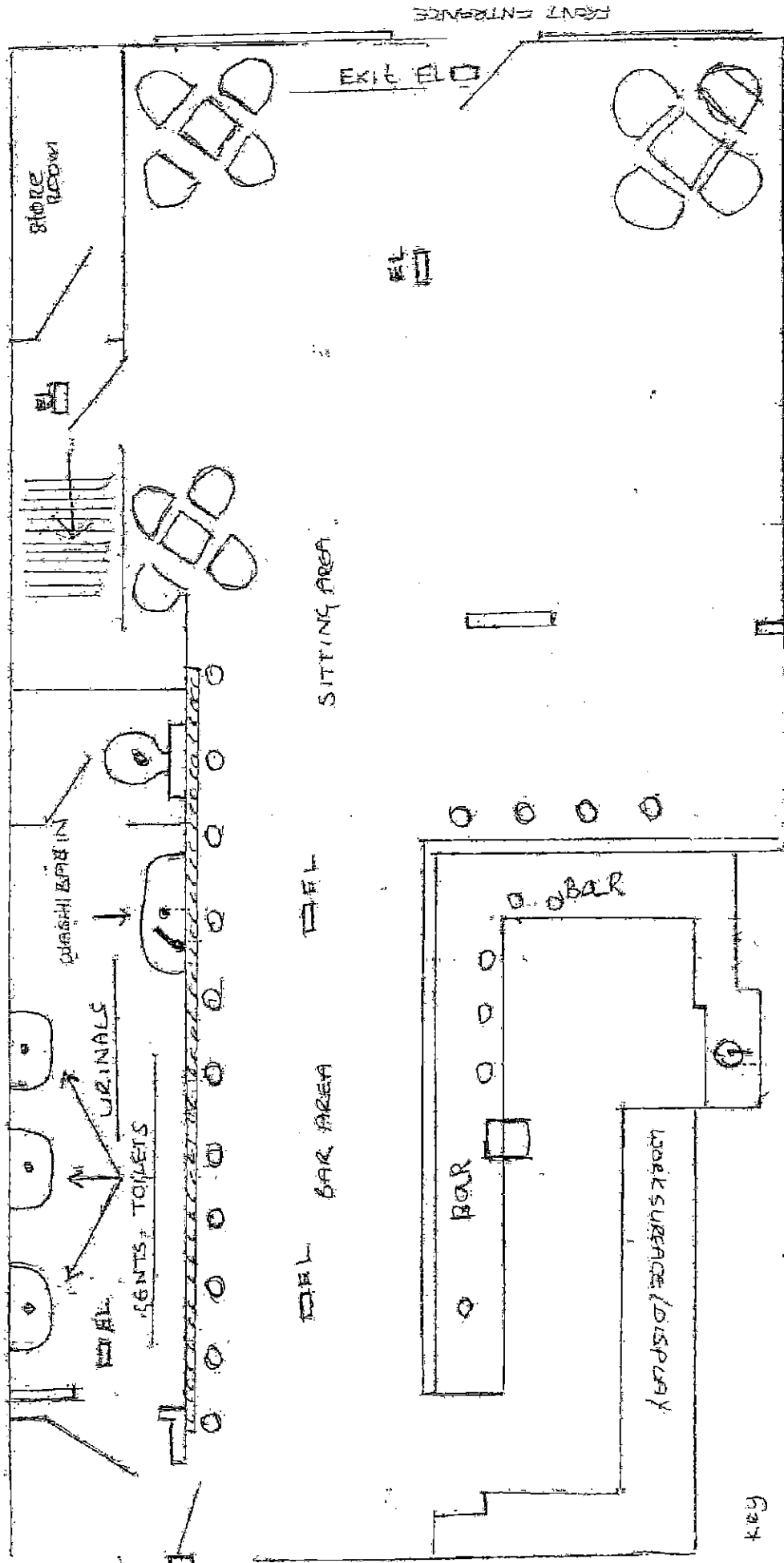
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	



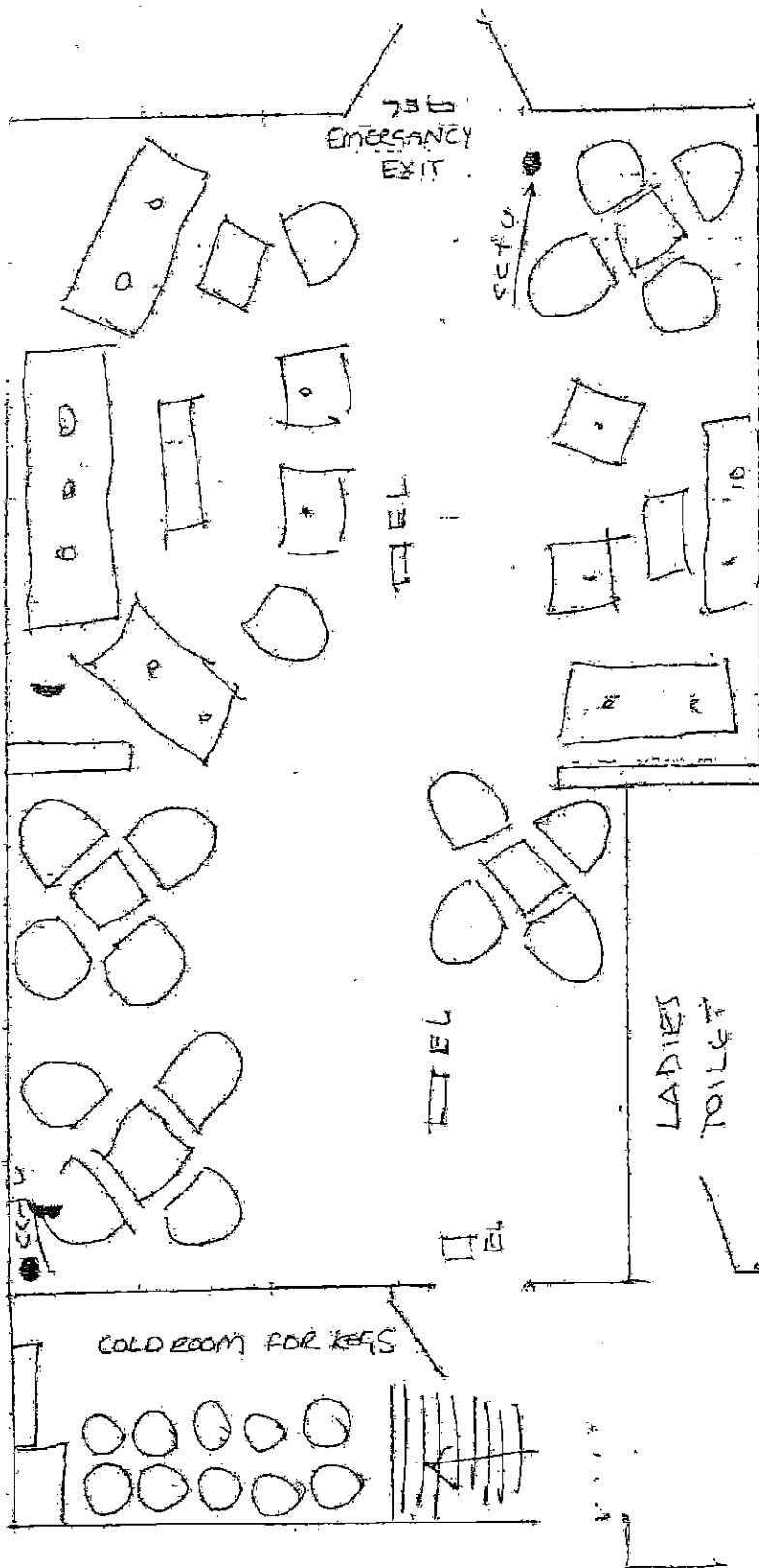
Scale 2cm = 1m
 Ground floor

key
 EL = Emergency Lighting
 O = Bar Stools

94
 14

16
 20
 13

cafe (formerly known as Cappuccinos)
 38 Ouse Gate
 Sully
 Y08 6RS



Scale 2cm = 1m
 Ground Floor Back Seating Room

CHIEF
 B.B. Owoye Gbata
 Salby
 YOK LPS
 (formally known as
 Cappuccino)

Key
 BU = Emergency Lighting

ANNEX 2

List of Responsible Authorities

North Yorkshire Police
Selby District Council's Environmental Health Service.

ANNEX 3

Representation made by Responsible Authority (North Yorkshire Police)

tim grogan

From: Wilkinson, Mick [REDACTED]
Sent: 13 December 2011 13:34
To: tim grogan
Subject: New Grant - Chique, Selby

Tim,

The Police have received an application from Lynn Wood for the grant of a Premises Licence at the above venue.

Subject to the granting of the conditions and reduction in timings for the retail sale of alcohol that have been agreed to in the below email, the Police have no representations or objections to the application. The conditions and reduction in timings for the retail sale of alcohol have been agreed to ensure that the Licensing Objective *the prevention of crime and disorder* is not undermined and are listed as follows:-

Timings for the retail supply of alcohol

Reduced by 30 minutes to allow a period of drinking up time. The new timings would now be as follows:-

Mon - 1200hrs to 0030hrs
 Tues - 1600hrs to 2330hrs
 Weds - 1600hrs to 2330hrs
 Thurs - 1200hrs to 0130hrs
 Fri - 1200hrs to 0230hrs
 Sat - 1200hrs to 0230hrs
 Sun - 1200hrs to 0130hrs

Agreed Conditions

The non standard timings currently listed in the Operating Schedule as "Private Parties" shall be withdrawn to fall in line with Condition 18 (below).

1. CCTV will be installed to cover the premises and will include all areas (including outside areas) to where public have access to consume alcohol.
2. It will be maintained, working and recording at all times when the premises are open.
3. The recordings should be of sufficient quality to be produced in Court or other such hearing.
4. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48hrs of request.
5. Copies of the recordings will display the correct time and date of the recording.
6. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
7. Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
8. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care (save for the movement to any outside drinking area attached to the premises).
9. 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.

10. Such training (Condition 9) will be refreshed (and documented) every six months and the documented records shall be kept for at least one year.

11. Such records (Condition 9) shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.

12. An adequate number of Door Supervisors (at least one) will be provided from 2200hrs until the close of business on the following evenings:-

i) Friday and Saturday evenings

ii) the evening before any Bank Holiday.

13. On any night that the venue intends operating beyond 0000hrs, an adequate number of Door Supervisors (at least one) will be provided from 0000hrs until the close of business.

14. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.

15. 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 behaviour and ejections from the premises.

16. Both the above documents (Condition 15) will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.

17. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

18. The venue shall not open or operate (other than by way of Temporary Event Notice) earlier or later than the times listed in Part 1 of the Premises Licence (i.e. the opening hours of the premises).

Should you have any further queries about this, or any other licensing matter, then please don't hesitate to get in touch.

Regards,

Mick Wilkinson

PC952

Police Licensing Unit (York, Selby, Hambleton & Richmondshire)

Community Safety Dept

Landline - 01904 669945

Mobile [REDACTED]

E Mail [REDACTED]

ANNEX 4

Representation made by Responsible Authority (Environmental Health Services)

Licensing Act 2003 – Representation by Responsible Authority	
Licence Ref:	WK201150521
Type of Licence:	Premises Licence
Premises Name:	Chique
Address:	Ousegate Selby YO8 4NH
Name of Applicant:	Lynn Wood
Date Notification of Application Received by Responsible Authority:	14/12/2011
Officer Name: Elizabeth Lloyd	Designation: Environmental Health Officer
Responsible Authority:	Environmental Health and Housing
Authority Address:	Civic Centre, Doncaster Road, Selby, YO8 9FT

Representation relates to the following objective/s of the Licensing Act 2003	
Prevention of Public Nuisance	X Public Safety
<p>The proposed variation has the potential for causing nuisance to domestic properties close to the premises. I would suggest that the following conditions are attached to the licence:</p>	
1	Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises (between the hours of 23:00 and 07:00) shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.
2	No external doors and windows to the room/s where regulated entertainment is being provided shall be open during the course of the entertainment, other than for normal access and egress.
3	Speakers used to relay on amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises: where placed internally ensure that they are directed away from external doors and windows.
4	Prominent, clear notices shall be displayed at all exits requesting customers and staff to respect the needs of local residents and leave the premises and area quietly.
5	All external areas of the premises (beer garden, patios etc) must not be used by customers between the hours of 23.00 and 07.00
6	No more than six people will be allowed outside the front of the premises at any one time and prominent, clear notices shall be displayed advising customers of this condition.
7	The disposal of waste bottles into external receptacles shall not take place between the hours of 23.00 and 07.00

8 Promotional leaflets (flyers) shall not be distributed to the public outside the premises (whether immediately outside or some distance away) except with the prior written approval of the Licensing Authority, and under the terms of a litter control plan approved by the Council.

9 At the end of business every day/night the pavement to the frontage (and sides) shall be cleared of litter and waste.

Officer: _____

Date: _____



21.12.11

Lead Officer – Environmental Health and Housing
Signature: _____

Date: _____



21-12-11

ANNEX 5

List of Representors (Interested Parties)

1. Flat 1, Crow's Nest, Barlby Bank, Selby
2. Flat 1, Crow's Nest, Barlby Bank, Selby
3. Flat 1, Crows Nest, Barlby Bank, Selby
4. Flat 2, Crow's Nest, Barlby Bank, Selby
5. Flat 3, Crow's Nest, Barlby Bank, Selby
6. Flat 3, Crow's Nest, Barlby Bank, Selby

ANNEX 6

Representations made by Representors (Interested parties)

The Occupiers,
 Crow's Nest,
 Flat's 1,2 & 3,
 Barlby Bank,
 Selby.
 YO8 5AU.
 9/12/11



To whom it may concern,

We wish to make a representation against the proposed application for a premises license regarding the premises – Chique, Ousegate, Selby by the applicant L. Wood on the grounds that it would contravene the following licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

We are dismayed and alarmed that yet again we are having to appeal against another licensing application.

We have had problems previously that have been investigated by the licencing officer when the premises was the former IT bar, and the previous owners – Bar Chique, had restrictions imposed to aid reduce the impact on local residents.

We do not want a repetition of problems we experienced in the past, examples of which are:

- Noise disturbance affecting our quality of life and sleep due to loud music emanating from the premises until the early hours of the morning and unsocial behavior.
- Inadequate size and soundproofing of the venue, speakers been situated near the front of the premises, open windows and doors to the outside which were often kept open particularly in the summer months, exacerbated by people continually going outside to the front of the premises to smoke.
- Many episodes of people shouting, swearing and fighting, displaying obviously drunken behavior. Police would often be involved in breaking up fights and controlling disorderly and/or drunken behavior.
- Significant numbers of people congregating outside the front of the premises on the footpath to smoke occluding the right of way for pedestrians, causing them to have to walk on the road and suffer intimidation from loud and raucous behavior.

We feel that undoubtedly this application would entail the same and perhaps worse problems arising, particularly with regard to the extended opening hours, provision of recorded and live music with dancing – *this would suggest a club*, where we feel there will be an obvious increase in disturbance from this and a potential increase in numbers attending the establishment.

This area is already saturated with licensed premises; another one is only likely to increase the noise and number of disorderly incidents that already occur in this vicinity.

Alongside the licensing application there should be liaison with the other council departments involved:

Planning - this is a listed property within a conservation area.

Environmental Health - due to the impact of noise pollution within a residential area.

We shall be forwarding our concerns onto them.

Yours faithfully,

The Occupiers of Crow's Nest, Flats 1,2 & 3.

[Redacted signature and contact information]

ANNEX 7

Map of the area concerned

██████████ Flat 1, Crow's Nest, Barlby Bank, Selby

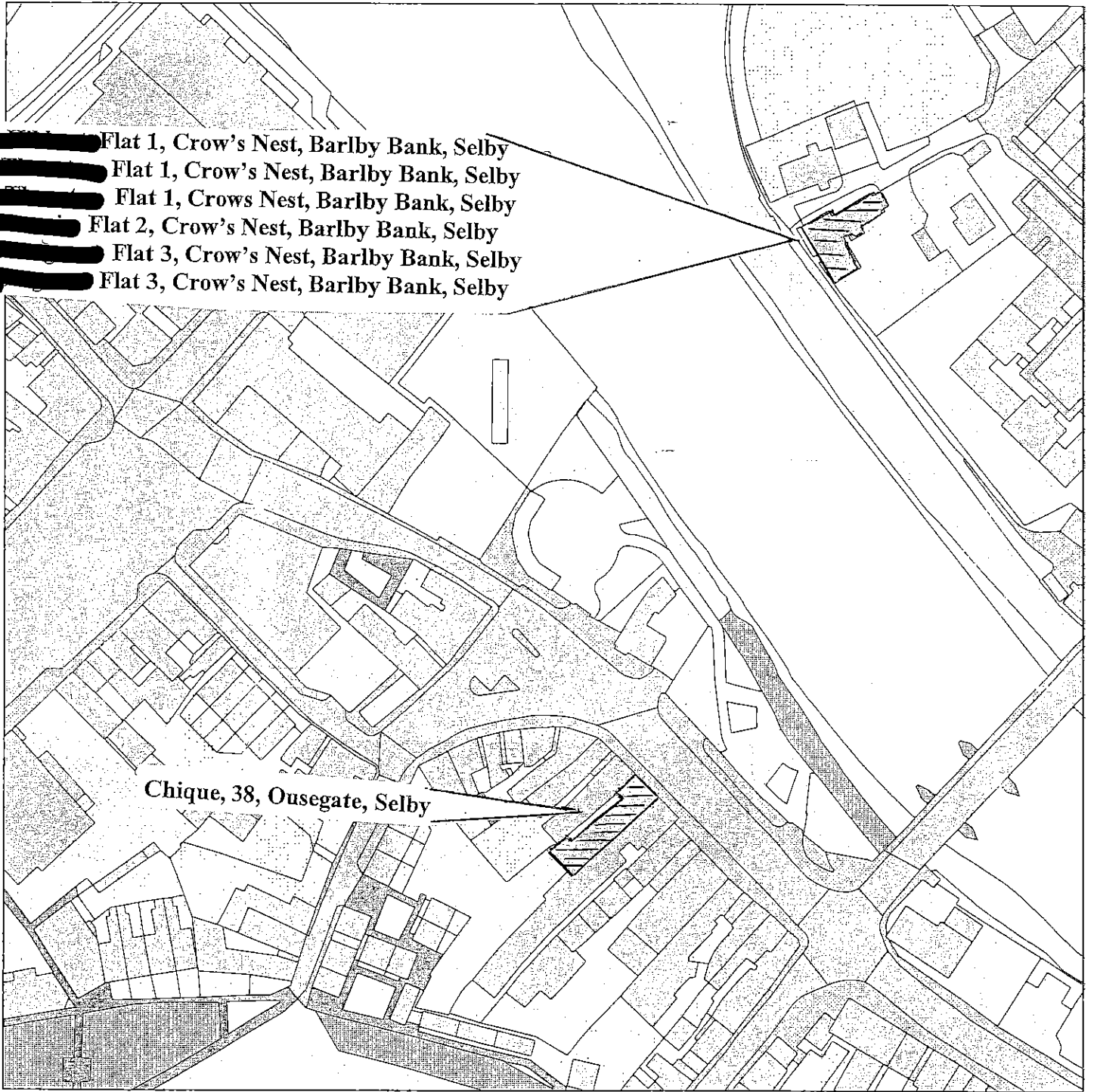
██████████ Flat 1, Crow's Nest, Barlby Bank, Selby

██████████ Flat 1, Crows Nest, Barlby Bank, Selby

██████████ Flat 2, Crow's Nest, Barlby Bank, Selby

██████████ Flat 3, Crow's Nest, Barlby Bank, Selby

██████████ Flat 3, Crow's Nest, Barlby Bank, Selby



Km 0.02 0.04 0.06 0.08 0.1 0.12