

# North Yorkshire Council

## Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 16th May, 2023 commencing at 10.00 am.

Councillor Tim Grogan in the Chair. plus Councillors Kevin Foster and Subash Sharma.

Officers present:..Kevin Chin, Lisa Templeton and Fiona Casson

Apologies: None

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**Copies of all documents considered are in the Minute Book**

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### **16 Election of Chair**

#### **Resolved:-**

That Councillor Grogan be elected Chair of this meeting.

### **17 Apologies for Absence**

There were no apologies for absence.

### **18 Disclosures of Interest**

There were no declarations of interest.

### **19 Procedure for Licensing Hearings**

The attached procedure was confirmed.

### **20 Application for Grant of a Premises Licence for Victory Bar (Fan Zone), The Flamingo Land Stadium (South End), Scarborough Leisure Village, Ashburn Road, Scarborough, YO11 2JW**

The Sub-Committee considered the report of the Corporate Director of Environment in respect of an application for the grant of a premises licence for Victory Bar (FanZone), The Flamingo Land Stadium (South End), Scarborough Leisure Village, Ashburn Road, Scarborough, YO11 2JW. In addition to the report the Sub-Committee had sight of the Application and copies of each representation from the interested parties.

In respect of the Applicant and their representatives the meeting was attended by Michael Davison and Chris McNeill.

In coming to its decision, the Sub-Committee have had due regard to the 4 Licensing Objectives, namely;

- The prevention of crime and disorder
- Public Safety

- Prevention of public nuisance
- The protection of children from harm

After hearing the issues today, it is the Licensing objectives of the prevention of public nuisance, prevention of crime and disorder which are relevant and consideration has been given to these today. In coming to its decision, the sub-committee has considered the application on its own merits and has also had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and Scarborough Borough Councils Licensing Policy.

**Resolved:-**

That the licence be granted in accordance with the application. The conditions will be those already volunteered by the applicant together with appropriate conditions which have been agreed by the Applicant at the hearing in line as below:-

**The licensable activities granted are:**

- Films (Indoors) 10:00 to 23:00 Mon-Sun
- Sale of alcohol 10:00 to 23:00 Mon-Sun
- Opening hours 10:00 to 23:30 Mon-Sun

**Agreed Conditions at the hearing will be as follows;**

**1 GENERAL**

The premises shall operate as a bar known as Victory Bar a Fan Zone and Football Pitch.

A personal licence holder shall be on duty at all times the premises are open to the public and licensable activities are taking place

The DPS / Manager on duty shall risk assess the need for SIA registered door staff for all functions and events. This shall be documented and available for inspection by the Responsible Authorities if required

A crowd management plan shall be agreed between North Yorkshire Police and club management prior to the commencement of the sporting season

Off sales shall be permitted in sealed containers

The premises shall operate the challenge 25 age verification policy

There shall be no adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children.

Further Door supervisors shall be employed when reasonably requested by North Yorkshire Police for bank holidays, special events and football matches (as agreed by club management and North Yorkshire Police in advance). This shall be a written request with a minimum of 14 days' notice. At all other times the requirement for door supervisors shall be risk assessed by the Premises Licence Holder or DPS.

**2 CCTV**

**The following CCTV conditions shall apply:**

- o A colour digital CCTV system shall be operational at the premises at all times

when licensable activities are being carried out and at any other times where members of the public are present on the premises.

- o The CCTV system shall contain the correct time and date stamp information.
- o The CCTV system shall cover all areas of the premises occupied by the public under the terms of the licence.
- o The CCTV system shall be capable of providing quality images of good evidential value. The system shall retain continuous footage for at least the last 28 days.
- o The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.
- o The data controller, who is responsible for any CCTV images captured on cameras on the premises shall, on the lawful request of an authorised officer or an officer of North Yorkshire Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
- o The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of North Yorkshire Police to search the picture footage effectively and see all the information contained in the picture footage for the purposes of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no indexing of files or verification checks.
- o No device shall be permitted that could in any way adversely affect or impede the quality of the images recorded by the CCTV system, e.g. smoke or dry ice machines.

### **3 TRAINING**

A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- retail sale of alcohol.
- age verification policy.
- conditions attached to the Premises Licence.
- permitted licensable activities.
- the licensing objectives.
- opening times for the venue.

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

### **4 NOTICES & REGISTERS**

A Refusal Register and an Incident Report Register shall be maintained within the premises. Such registers 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. Such Registers shall be kept for a minimum of one year. [For the avoidance of doubt, the

one year period relates to each respective entry in a Register and runs from the date of that particular entry in the Register].

Notices shall be placed at the exits requesting customers be respectful to the local residents and leave quietly

## **5 ADDITIONAL CONDITIONS FOR MATCH DAYS**

Scarborough Athletic Football Club Society Limited shall be responsible for The Victory Bar and the Fan Zone and Stand/Football Pitch from 3 hours before Kick off and 2 hours after the match has finished

During a football match the only place that the retail sale of alcohol shall be permitted to take place shall be the Victory Bar as identified on the premises plan

No glass shall be permitted in the outside area

A minimum of 2 SIA registered door supervisors shall be on duty at The Victory Bar at least 3 hours before kick-off and 2 hours after the match has finished when licensable activities are taking place

The Sub-Committee believe that:

Having heard from the Applicant's representatives, and on reading the representations made to the Sub-Committee with regard to noise nuisance from the premises, and the potential for increased crime and disorder the Sub-Committee is satisfied on the evidence before it that the Licensing Objectives will not be undermined by the application, with the proposed Operating Schedule and additional conditions which have been volunteered on behalf of the Applicant.

The Sub-Committee have taken into account that the applicant has stated that the premise will operate within a marquee bar structure known as the Victory Bar operating within an enclosed high-fence Fan Zone at the football stadium. On match days the licensed premises will include the Victory Bar, Fan Zone and ground which will include the football pitch and stands where drinks can be consumed. Having heard in detail from the Applicant's representative about the way the Victory Bar and licenced premises are managed on match and event days, Members were satisfied that such measures taken by the Applicant supported the Licensing Objectives.

The Sub Committee has also taken into account the representations made to them by a residents of properties within the vicinity of the premises, with regard to potential disturbance from noise from the premises and the potential for increased crime and disorder. The Sub Committee have also noted that with regard to the Licensing Objectives of the Prevention of Crime and Disorder that there have been no representations from the North Yorkshire Police as the responsible authority; and with regards to the Prevention of Public Nuisance no representations had been received from the Local Authority.

With due regard to all of the above, the Sub-Committee consider that the additional agreed Conditions outlined above are to be added to the Licence.

The meeting concluded at 11.15 am