

# North Yorkshire Council

## Statutory Licensing Sub-Committee

16 MAY 2023

### 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. (Os Map Reference Ta 03412 86992v).

#### 1. PURPOSE OF REPORT

To seek the determination by the Statutory Sub-Committee of an application for the grant of a premises licence where one or more relevant representations has been received.

#### 2. APPLICATION

2.1 An application for the grant of a premises licence under section 17 of the licensing act 2003 was received on 18<sup>th</sup> March 2023 from Scarborough Athletic FC Society Limited company register number IP30123R, for the premises Victory Bar (marquee bar structure), The Flamingo Land Stadium, Scarborough, YO11 2JW. The full application form and accompanying documents is attached as **Appendix A**.

2.2 The application states:-

The premises is described on the application form in Section 5 as:-  
A marquee bar structure (The Victory Bar) operating within an enclosed high-fenced Fan Zone at a football stadium. On match days, the licensed premises will include the bar, Fan Zone and the ground. The ground includes the football pitch and stands where drinks can be consumed.

2.3 The application stated in section 7 to 17 the following licensable activities are applied for:

Activity	Hours requested Monday to Sunday
Provision of Films (Indoors only)	10:00am to 23:00
Sale of Alcohol (On & Off the premises)	10:00 to 23:00
Opening Hours	10:00 to 23:30

## 2.4 Protection of Children from Harm

The applicant states that there will be no adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 Members are asked to note in particular paragraph 3.46 of the Scarborough Borough Council's Policy, still current until the North Yorkshire Council Policy, in that where an applicant states in the Operating Schedule that there is no adult entertainment or similar entertainment taking place at the premises, then the Licensing Authority shall consider this restriction to be a condition on the licence even though it may not state this on the licence itself.

## 2.6 Volunteered Operating Licence Conditions

The applicant has volunteered the following licensing conditions as part of their application:

- The premises shall operate as a bar known as Victory Bar a Fan Zone and Football Pitch.
  - The Victory Bar shall be permitted licensable activities from 10:00hrs until 23:00hrs daily
- i) A documented staff training program 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 License;
  - Permitted licensable activities;
  - The licensing objectives; and
  - Opening times for the venue.

## 2.7 The Prevention of Crime and Disorder

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.

- i) The CCTV system shall contain the correct time and date stamp information.
- ii) The CCTV system shall cover all areas of the premises occupied by the public under the terms of the licence.
- iii) The CCTV system must be capable of providing quality images of good evidential value. The system shall retain continuous footage for at least the last 28 days.
- iv) The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.

- v) 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 shall ensure that they are secured to prevent any overwriting.
- vi) 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.
- vii) 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.

## **2.8 Public Safety**

- i) A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
  - age verification policy;
  - conditions attached to the Premises Licence;
  - permitted licensable activities;
  - the licensing objectives; and
  - 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];

- ii). A Refusal Register and an Incident Report Register shall be maintained within the premises. Such registers shall 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].
- iii) A personal licence holder shall be on duty at all times the premises are open to the public and licensable activities are taking place
- iv) 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
- v) Off sales shall be permitted in sealed containers

## 2.9 The prevention of public nuisance

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

## 2.10 The Protection of Children from Harm

- i) 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.

### **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
- No glass shall be permitted in the outside area
- No additional alcohol outlets 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

## **3 REPRESENTATIONS**

- 3.10 The Licensing Authority has received 4 representations from 3 objectors and 1 supporting representation, which are attached as **Appendix B**.

The objections fell in line with the licensing objectives:-

The Prevention of Crime and Disorder  
The Prevention of Public Nuisance

There were concerns for noise pollution due to the temporary structure not restricting noise and anti-social behaviour concerns. There were also concerns of drunkenness and people urinating including the later time of opening compared to the premises current licensing hours.

The supporting representation states the club is an exciting spirited movement and the site is well located.

- 3.11 Members should note that some of the grounds for the representations may not directly relate to the licensing objectives but the full representations have been included in the interests of openness and transparency (Appendix B).

## **4 LICENSING POLICY**

Members are referred to the Council's Licensing Policy and the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, as updated December 2022. Section 4 of the licensing act 2003 provides that, in carrying out its functions, a licensing authority must 'have regard to' the s.182 guidance as is there for binding all licensing authorities to that extent.

## **5 OPTIONS**

5.10 The Licensing Sub Committee has the following options:

- a) Reject the application.
- b) Grant the licence as per the application.
- c) Grant the licence as per the application with additional conditions.
- d) Grant the licence but exclude a licensable activity.
- e) Grant the licence but adjust or exclude licensable activity and include additional conditions.

## **6 DETERMINATION OF THE APPLICATION**

6.10 Under section 17 of the Crime and Disorder Act 1998 (CDA), the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

6.11 Members must also exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998, and the principles of natural justice.

6.12 Members are invited to determine this application following consideration of the evidence presented to them. The procedure for this hearing is available on the Council's website.

Karl Battersby  
Corporate Director of Environment  
County Hall  
Northallerton  
DL7 8AD

5<sup>th</sup> May 2023

Report Author: Lisa Templeton – Trainee Licensing Officer and Kevin Chin Licensing Manager

Background Documents: As attached

Appendices:

Appendix A – Application and associated documents

Appendix B – Representations

Appendix C – Scarborough Council Licensing Policy 2018 – 2023 FINAL

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

**List of Background Papers:**

Council's Statement of Licensing Policy

Licensing Act 2003

Revised Guidance issued under section 182 of the Licensing Act 2003

North Yorkshire Council

The following papers were unable to be included in the electronic version of this document.

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Appendices A - B are only available for the applicant in this matter as per Section 185 of the Licensing Act 2003.