

Report of the Director of Communities and Neighbourhoods

Section 35(3) (a) Application for the variation of a premise licence for Popworld, George Hudson Street, York, YO1 6JL.

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009049
3. Name of applicants: Stonegate Pub Company Limited.
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is as follows:
 - i. To extend the terminal hour for the sale of alcohol, films, indoor sporting events, live and recorded music, performance of dance and late night refreshment, Sundays to Thursdays until 03:00 hours the following day. (Currently 02:00 hours)
 - ii. To extend the opening hours to allow the premises to close at 03:30 hours the following day Sundays to Thursday. (Currently 02:30 hours)
 - iii. Additional non standard timings for notable days to be added to those already listed on the original licence.
 - iv. To remove all conditions in Annex 2 and Annex 3 of the premises licence and to replace them with the operating schedule detailed in the application.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. Prevention of Crime and Disorder
 - a) A CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 28 days and shall be made available to an officer of the licensing authority or police on reasonable request.
 - b) Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
 - c) The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
 - d) The premises shall maintain a written drugs policy, which shall be made available to the police or an authorised officer of the council upon request.
 - e) An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the council or police who will record the following: any incidents of disorder, any seizures of drugs or offensive weapons, any ejections of patrons.
 - f) The premises shall maintain a written dispersal policy which shall be made available to the police or an authorised officer of the council upon request.
10. Public Safety
 - a) The licence holder understands their obligations under existing legislation and takes their responsibilities seriously.
11. Prevention of Public Nuisance
 - a) Reasonable steps will be taken to recognise the rights of local residents and notices will be displayed at the premises exits requesting customers to leave quietly and reminding them that they are in a residential area.

- b) All doors and windows save for access and egress; will be closed when regulated entertainment in the form of live or recorded music is taking place beyond 21:00 hours.

12. Protection of Children from Harm

- a) A proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
- b) A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.
- c) All bar staff to receive appropriate training in relation to alcoholic sales prior to commencing their duties. This will include the premises licence, underage sales policy and other relevant licensing matters. Training documents (which maybe in an electronic format) shall be made available to an authorised police officer or council officer upon request.

Special Policy Consideration

- 13. This premise is located within the special policy area approved by full council on 27 March 2014. A copy of the policy is attached at Annex 3.

Consultation

- 14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act 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 and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements.
- 15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police have been in consultation with the applicant and proposed some amendments to the proposed conditions which have been agreed and will be added to the licence if granted. A copy of this agreement is attached at Annex 4.

Summary of Representations made by other persons

17. Two relevant representations have been received and these are attached at Annex 5.
18. A map showing the general area around the venue is attached at Annex 6.
19. Members 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.

Planning Issues

20. There are no planning issues regarding this application.

Options

21. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision:-
22. Option 1: Grant the variation of the licence in the terms applied for.
23. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
24. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
25. Option 4: Reject the application.
26. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

Analysis

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

32. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
33. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

34.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The 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 co-operate in the reduction of crime and disorder in the city.

- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

35. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
36. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

37. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

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**Report
Approved**



Date 26/05/16

Specialist Implications Officer(s):

Head of Legal & Democratic Legal Services Ext: 1004

Wards Affected: Micklegate

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application
- Annex 3** - Special Policy
- Annex 4** - Copy of police proposed conditions
- Annex 5** - Copy of representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations