



## Notice of meeting of

## Licensing Hearing

**To:** Councillors Boyce, Gillies and Richardson

**Date:** Thursday, 15 August 2013

**Time:** 12.00 pm

**Venue:** The Craven Room, Ground Floor, (GO48), West Offices, York.

### AGENDA

1. **Chair** (Pages 1 - 8)  
To elect a Member to act as Chair of the meeting.
2. **Introductions**
3. **Declarations of Interest**  
At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
4. **The Determination of Applications by O'Brien Licensing and Training Services on behalf of Hayati Kucukkoylu for Temporary Events Section 105 (2)(a) Counter Notice following Police and Environmental Protection Unit objections to Temporary Event Notices in respect of events at Macumba, 3 Coffee Yard, York, YO1 8AR. (CYC-022413)**
  - a) **Temporary Event Notice 1** (Pages 9 - 48)
  - b) **Temporary Event Notice 2** (Pages 49 - 88)
  - c) **Temporary Event Notice 3** (Pages 89 - 128)
  - d) **Temporary Event Notice 4** (Pages 129 - 168)
  - e) **Temporary Event Notice 5** (Pages 169 - 208)
  - f) **Temporary Event Notice 6** (Pages 209 - 248)

**g) Temporary Events Notice 7** (Pages 249 - 288)  
**If you require any further information, please contact Laura Bootland on Tel 01904 552062 or Fax 01904 551035 or email [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)**

**Distribution:**

Members of Licensing Act 2003 Sub-Committee  
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Representors  
Press, Library.

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland

- Registering to speak
- Business of the meeting
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Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)



## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS (TEMPORARY EVENT NOTICES)**

### **Introduction**

The procedure outlined below will be followed at all Temporary Event Notice Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

**In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.**

### **Representations at Licensing Hearings**

The Applicant, Police and Environmental Protection Unit will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant, Police and Environmental Protection Unit shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 1 working day before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

Re crime and disorder only

**The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representation, or notice, and the promotion of the licensing objective relating to crime and disorder.** Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee

considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

### **Procedure prior to the Hearing**

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor. Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the Democracy Officer calls them through to the committee room.

### **Procedure at the Hearing**

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.

5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application(s).
6. The Licensing Officer outlines the application(s), confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant, Police and Environmental Protection Unit (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Police (or their representative) to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes*]
11. The Chair will invite the Environmental Protection Unit (or their representative) to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes*]
12. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
13. The Chair will invite the Police (or their representative) to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes*]
14. The Chair will invite the Applicant to ask questions of the Police (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes*].
15. The Chair will invite the Committee Members to ask questions of the Police (or their representative) and/or their witnesses after each presentation.

16. The Chair will invite the Environmental Protection Unit (or their representative) to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes]*
17. The Chair will invite the Applicant to ask questions of the Environmental Protection Unit (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes]*.
18. The Chair will invite Committee Members to ask questions of the Environmental Protection Unit (or their representative) and/or witnesses after each presentation.
19. The Chair will invite the Police (or their representative) to summarise their case *[maximum 5 minutes]*
20. The Chair will invite the Environmental Protection Unit (or their representative) to summarise their case *[maximum 5 minutes]*
21. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
22. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.
23. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant, Police and Environmental Protection Unit (or their representatives) plus any witnesses present to leave the committee room and wait in the seating area while the Sub-Committee considers the evidence.

### **Procedure after the Hearing**

24. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
25. At a hearing under section 105(2)(a) (counter notice following police objection to temporary event notice) the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee

will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

26. When the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the temporary event notice. This decision will then be communicated in writing to the Applicant and Representors within 5 working days of the hearing. There can be no further questions or statements.
27. The notification will include information about the rights of appeal against the determination made.



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All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

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- Applicant
- Representors & the relevant Responsible Authorities



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**Licensing Act 2003 Sub Committee****15 August 2013**

Report from the Assistant Director – Housing &amp; Community Safety

**Section 100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012:  
Submission of Temporary Event Notices (TEN) for Macumba, 3 Coffee Yard, York, YO1 8AR.**

**Summary**

1. This report seeks Members determination of a TEN submitted under the Licensing Act 2003 to allow on a specific date for an increase of the licensed area of a venue already operating with a premises licence and to authorise the sale of alcohol and the provision of regulated entertainment for an extended period at venue.
2. Reference number: CYC-022413/1
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
  - a) An increase in the licensed area of the premises to include the whole of the outside courtyard area.
  - b) The sale of alcohol and the provision of regulated entertainment between the hours of 19:00 and 03:00 the following morning throughout the whole area.

- c) The event is scheduled to take place on Saturday 17<sup>th</sup> August between 19:00 hours and 03:00 hours Sunday 18<sup>th</sup> August 2013 for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
7. The police and environmental protection officers can object to a TEN on the grounds of any of the four licensing objectives;
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
8. As a result of an objection, conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence for the venue is attached at Annex 2.

### **Promotion of Licensing Objectives**

11. The TEN submitted give no indication as to how the licensing objectives will be met, however, there is no requirement for a premises user to provide this information on a TEN and there is no provision on the application form to allow for this information to be entered.

### **Special Policy Consideration**

12. This premise is not located within the special policy area.

## **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.
14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

## **Summary of Representations made by Responsible Authorities**

15. North Yorkshire Police served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, the prevention of crime and disorder. A copy of their representation is attached at Annex 3.
16. The nature of the objection is as follows:
  - a) The Back Swinegate area of the city accounts for 3.7% of the total geographic area of the city walls (and the small part of the CIZ area outside the city walls) yet it accounts for:-
    - i. 16.5% of the licensed premises
    - ii. 8.9% of the total violence
    - iii. 10.6% of the total damage
    - iv. 7% of the total ASB
    - v. 10.9% of the total “theft from a person or other” crime category
  - b) The notification intimates an increase of customers (up to 175) into that area over an extended period (0300hrs) and it is believed that this will have an adverse impact on the surrounding area beyond the control of Mr Kucukkoylu.
  - c) The Police Licensing Officer in company with the council’s Licensing Enforcement Officer recently spoke to Mr Kucukkoylu regarding alleged breaches of the conditions attached to the premises licence and, given the time frame between him opening the premises and the alleged breaches of the conditions, it is not felt that he is currently able to operate a late night, drink led

entertainment premises without undermining the licensing objectives.

17. The council's Environmental Protection Unit also served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, prevention of public nuisance, would be undermined. A copy of their objection is attached at Annex 4.

18 The nature of their objection is as follows:

- a) 3 noise complaints have been received by EPU on 15<sup>th</sup>, 20<sup>th</sup> and 28<sup>th</sup> July regarding noise and loud music from the venue despite a warning letter being sent on 16<sup>th</sup> July.
- b) During late night visits to the premises it was noted that customers were in the courtyard after midnight in contravention to the conditions on the premises licence.

### **Options**

- 19 By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
- 20. Option 1: Modify the terms of the TEN.
- 21. Option 2: Issue a counter notice refusing authorisation of the TEN.
- 22. Option 3: Choose not to issue a counter notice

### **Analysis**

- 23. The following could be the result of any decision made this Sub Committee:-
- 24. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
- 25. Option 2: This decision could be appealed at Magistrates Court by the premises user.
- 26. Option 3: This decision could be appealed at Magistrates Court by the objector.

## **Council Plan**

27. 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.
- 28 The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

29.
  - **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**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

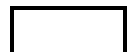


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Copy of TEN
- Annex 2** - Copy of premises licence
- Annex 3** - Copy of police objection
- Annex 4** - Copy of EPU objection.
- Annex 5** - Legislation and Policy Considerations





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**Licensing Act 2003 Sub Committee****15 August 2013**

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2. Reference number: CYC-022413/2
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
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- c) The event is scheduled to take place on the nights of both Friday 23<sup>rd</sup> August and Saturday 24<sup>th</sup> August between 19:00 hours and 03:00 hours the following morning for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
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### **Promotion of Licensing Objectives**

11. The TEN submitted give no indication as to how the licensing objectives will be met, however, there is no requirement for a premises user to provide this information on a TEN and there is no provision on the application form to allow for this information to be entered.

### **Special Policy Consideration**

12. This premise is not located within the special policy area.

## **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.
14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

## **Summary of Representations made by Responsible Authorities**

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### **Options**

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- 22. Option 3: Choose not to issue a counter notice

### **Analysis**

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- 28 The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

29.
  - **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**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

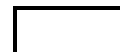


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



**For further information please contact the author of the report**

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**Licensing Act 2003 Sub Committee****15 August 2013**

Report from the Assistant Director – Housing &amp; Community Safety

**Section 100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012:  
Submission of Temporary Event Notices (TEN) for Macumba, 3 Coffee Yard, York, YO1 8AR.**

**Summary**

1. This report seeks Members determination of a TEN submitted under the Licensing Act 2003 to allow on a specific date for an increase of the licensed area of a venue already operating with a premises licence and to authorise the sale of alcohol and the provision of regulated entertainment for an extended period at venue.
2. Reference number: CYC-022413/3
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
  - a) An increase in the licensed area of the premises to include the whole of the outside courtyard area.
  - b) The sale of alcohol and the provision of regulated entertainment between the hours of 19:00 and 03:00 the following morning throughout the whole area.

- c) The event is scheduled to take place on the nights of both Friday 30th August and Saturday 31st August between 19:00 hours and 03:00 hours the following morning for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
7. The police and environmental protection officers can object to a TEN on the grounds of any of the four licensing objectives;
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
8. As a result of an objection, conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence for the venue is attached at Annex 2.

### **Promotion of Licensing Objectives**

11. The TEN submitted give no indication as to how the licensing objectives will be met, however, there is no requirement for a premises user to provide this information on a TEN and there is no provision on the application form to allow for this information to be entered.

### **Special Policy Consideration**

12. This premise is not located within the special policy area.



## **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.
14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

## **Summary of Representations made by Responsible Authorities**

15. North Yorkshire Police served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, the prevention of crime and disorder. A copy of their representation is attached at Annex 3.
16. The nature of the objection is as follows:
  - a) The Back Swinegate area of the city accounts for 3.7% of the total geographic area of the city walls (and the small part of the CIZ area outside the city walls) yet it accounts for:-
    - i. 16.5% of the licensed premises
    - ii. 8.9% of the total violence
    - iii. 10.6% of the total damage
    - iv. 7% of the total ASB
    - v. 10.9% of the total “theft from a person or other” crime category
  - b) The notification intimates an increase of customers (up to 175) into that area over an extended period (0300hrs) and it is believed that this will have an adverse impact on the surrounding area beyond the control of Mr Kucukkoylu.
  - c) The Police Licensing Officer in company with the council’s Licensing Enforcement Officer recently spoke to Mr Kucukkoylu regarding alleged breaches of the conditions attached to the premises licence and, given the time frame between him opening the premises and the alleged breaches of the conditions, it is not felt that he is currently able to operate a late night, drink led

entertainment premises without undermining the licensing objectives.

17. The council's Environmental Protection Unit also served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, prevention of public nuisance, would be undermined. A copy of their objection is attached at Annex 4.

18 The nature of their objection is as follows:

- a) 3 noise complaints have been received by EPU on 15<sup>th</sup>, 20<sup>th</sup> and 28<sup>th</sup> July regarding noise and loud music from the venue despite a warning letter being sent on 16<sup>th</sup> July.
- b) During late night visits to the premises it was noted that customers were in the courtyard after midnight in contravention to the conditions on the premises licence.

### **Options**

- 19 By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
- 20. Option 1: Modify the terms of the TEN.
- 21. Option 2: Issue a counter notice refusing authorisation of the TEN.
- 22. Option 3: Choose not to issue a counter notice

### **Analysis**

- 23. The following could be the result of any decision made this Sub Committee:-
- 24. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
- 25. Option 2: This decision could be appealed at Magistrates Court by the premises user.
- 26. Option 3: This decision could be appealed at Magistrates Court by the objector.

## **Council Plan**

27. 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.
- 28 The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

29.
  - **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**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

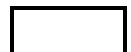


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Copy of TEN
- Annex 2** - Copy of premises licence
- Annex 3** - Copy of police objection
- Annex 4** - Copy of EPU objection.
- Annex 5** - Legislation and Policy Considerations



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**Licensing Act 2003 Sub Committee****15 August 2013**

Report from the Assistant Director – Housing &amp; Community Safety

**Section 100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012:  
Submission of Temporary Event Notices (TEN) for Macumba, 3 Coffee Yard, York, YO1 8AR.**

**Summary**

1. This report seeks Members determination of a TEN submitted under the Licensing Act 2003 to allow on a specific date for an increase of the licensed area of a venue already operating with a premises licence and to authorise the sale of alcohol and the provision of regulated entertainment for an extended period at venue.
2. Reference number: CYC-022413/4
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
  - a) An increase in the licensed area of the premises to include the whole of the outside courtyard area.
  - b) The sale of alcohol and the provision of regulated entertainment between the hours of 19:00 and 03:00 the following morning throughout the whole area.

- c) The event is scheduled to take place on the nights of both Friday 6<sup>th</sup> September and Saturday 7<sup>th</sup> September between 19:00 hours and 03:00 hours the following morning for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
7. The police and environmental protection officers can object to a TEN on the grounds of any of the four licensing objectives;
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
8. As a result of an objection, conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence for the venue is attached at Annex 2.

### **Promotion of Licensing Objectives**

11. The TEN submitted give no indication as to how the licensing objectives will be met, however, there is no requirement for a premises user to provide this information on a TEN and there is no provision on the application form to allow for this information to be entered.

### **Special Policy Consideration**

12. This premise is not located within the special policy area.

### **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.
14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

### **Summary of Representations made by Responsible Authorities**

15. North Yorkshire Police served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, the prevention of crime and disorder. A copy of their representation is attached at Annex 3.
16. The nature of the objection is as follows:
  - a) The Back Swinegate area of the city accounts for 3.7% of the total geographic area of the city walls (and the small part of the CIZ area outside the city walls) yet it accounts for:-
    - i. 16.5% of the licensed premises
    - ii. 8.9% of the total violence
    - iii. 10.6% of the total damage
    - iv. 7% of the total ASB
    - v. 10.9% of the total “theft from a person or other” crime category
  - b) The notification intimates an increase of customers (up to 175) into that area over an extended period (0300hrs) and it is believed that this will have an adverse impact on the surrounding area beyond the control of Mr Kucukkoylu.
  - c) The Police Licensing Officer in company with the council's Licensing Enforcement Officer recently spoke to Mr Kucukkoylu regarding alleged breaches of the conditions attached to the premises licence and, given the time frame between him opening the premises and the alleged breaches of the conditions, it is not felt that he is currently able to operate a late night, drink led

entertainment premises without undermining the licensing objectives.

17. The council's Environmental Protection Unit also served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, prevention of public nuisance, would be undermined. A copy of their objection is attached at Annex 4.

18 The nature of their objection is as follows:

- a) 3 noise complaints have been received by EPU on 15<sup>th</sup>, 20<sup>th</sup> and 28<sup>th</sup> July regarding noise and loud music from the venue despite a warning letter being sent on 16<sup>th</sup> July.
- b) During late night visits to the premises it was noted that customers were in the courtyard after midnight in contravention to the conditions on the premises licence.

### **Options**

- 19 By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
- 20. Option 1: Modify the terms of the TEN.
- 21. Option 2: Issue a counter notice refusing authorisation of the TEN.
- 22. Option 3: Choose not to issue a counter notice

### **Analysis**

- 23. The following could be the result of any decision made this Sub Committee:-
- 24. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
- 25. Option 2: This decision could be appealed at Magistrates Court by the premises user.
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## **Council Plan**

27. 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.
- 28 The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

29.
  - **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**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

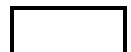


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



**For further information please contact the author of the report**

**Background Papers:**

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Submission of Temporary Event Notices (TEN) for Macumba, 3 Coffee Yard, York, YO1 8AR.**

**Summary**

1. This report seeks Members determination of a TEN submitted under the Licensing Act 2003 to allow on a specific date for an increase of the licensed area of a venue already operating with a premises licence and to authorise the sale of alcohol and the provision of regulated entertainment for an extended period at venue.
2. Reference number: CYC-022413/5
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
  - a) An increase in the licensed area of the premises to include the whole of the outside courtyard area.
  - b) The sale of alcohol and the provision of regulated entertainment between the hours of 19:00 and 03:00 the following morning throughout the whole area.

- c) The event is scheduled to take place on the nights of both Friday 13<sup>th</sup> September and Saturday 14<sup>th</sup> September between 19:00 hours and 03:00 hours the following morning for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
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### **Promotion of Licensing Objectives**

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12. This premise is not located within the special policy area.

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- b) During late night visits to the premises it was noted that customers were in the courtyard after midnight in contravention to the conditions on the premises licence.

### **Options**

- 19 By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
- 20. Option 1: Modify the terms of the TEN.
- 21. Option 2: Issue a counter notice refusing authorisation of the TEN.
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### **Analysis**

- 23. The following could be the result of any decision made this Sub Committee:-
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## **Council Plan**

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## **Implications**

29.
  - **Financial** - N/A
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  - **Equalities** – N/A
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  - **Information Technology (IT)** – N/A
  - **Property** – N/A
  - Other** – none

## **Risk Management**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

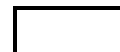


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



**For further information please contact the author of the report**

**Background Papers:**

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**Licensing Act 2003 Sub Committee****15 August 2013**

Report from the Assistant Director – Housing &amp; Community Safety

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**Summary**

1. This report seeks Members determination of a TEN submitted under the Licensing Act 2003 to allow on a specific date for an increase of the licensed area of a venue already operating with a premises licence and to authorise the sale of alcohol and the provision of regulated entertainment for an extended period at venue.
2. Reference number: CYC-022413/6
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
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  - b) The sale of alcohol and the provision of regulated entertainment between the hours of 19:00 and 03:00 the following morning throughout the whole area.

- c) The event is scheduled to take place on the nights of both Friday 20<sup>th</sup> September and Saturday 21<sup>st</sup> September between 19:00 hours and 03:00 hours the following morning for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
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### **Special Policy Consideration**

12. This premise is not located within the special policy area.

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### **Options**

- 19 By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
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### **Analysis**

- 23. The following could be the result of any decision made this Sub Committee:-
- 24. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
- 25. Option 2: This decision could be appealed at Magistrates Court by the premises user.
- 26. Option 3: This decision could be appealed at Magistrates Court by the objector.

## **Council Plan**

27. 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.
- 28 The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

29.
  - **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**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

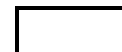


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Copy of TEN
- Annex 2** - Copy of premises licence
- Annex 3** - Copy of police objection
- Annex 4** - Copy of EPU objection.
- Annex 5** - Legislation and Policy Considerations



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**Licensing Act 2003 Sub Committee****15 August 2013**

Report from the Assistant Director – Housing &amp; Community Safety

**Section 100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012:  
Submission of Temporary Event Notices (TEN) for Macumba, 3 Coffee Yard, York, YO1 8AR.**

**Summary**

1. This report seeks Members determination of a TEN submitted under the Licensing Act 2003 to allow on a specific date for an increase of the licensed area of a venue already operating with a premises licence and to authorise the sale of alcohol and the provision of regulated entertainment for an extended period at venue.
2. Reference number: CYC-022413/7
3. Name of premises user: Mr Hayati Kucukkoylu
4. Type of authorisation applied for: Temporary Event Notice (TEN)
5. Summary of application: The TEN relates to a venue which already holds a premises licence i.e. Macumba, 3 Coffee Yard York, licence number CYC 009165. The nature of the TEN is to allow for:
  - a) An increase in the licensed area of the premises to include the whole of the outside courtyard area.
  - b) The sale of alcohol and the provision of regulated entertainment between the hours of 19:00 and 03:00 the following morning throughout the whole area.

- c) The event is scheduled to take place on the nights of both Friday 27<sup>th</sup> September and Saturday 28<sup>th</sup> September between 19:00 hours and 03:00 hours the following morning for a maximum occupancy of 125 people inside and 50 people outside.

### **Background**

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 500.
7. The police and environmental protection officers can object to a TEN on the grounds of any of the four licensing objectives;
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
8. As a result of an objection, conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence for the venue is attached at Annex 2.

### **Promotion of Licensing Objectives**

11. The TEN submitted give no indication as to how the licensing objectives will be met, however, there is no requirement for a premises user to provide this information on a TEN and there is no provision on the application form to allow for this information to be entered.

### **Special Policy Consideration**

12. This premise is not located within the special policy area.



## **Consultation**

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.
14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

## **Summary of Representations made by Responsible Authorities**

15. North Yorkshire Police served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, the prevention of crime and disorder. A copy of their representation is attached at Annex 3.
16. The nature of the objection is as follows:
  - a) The Back Swinegate area of the city accounts for 3.7% of the total geographic area of the city walls (and the small part of the CIZ area outside the city walls) yet it accounts for:-
    - i. 16.5% of the licensed premises
    - ii. 8.9% of the total violence
    - iii. 10.6% of the total damage
    - iv. 7% of the total ASB
    - v. 10.9% of the total “theft from a person or other” crime category
  - b) The notification intimates an increase of customers (up to 175) into that area over an extended period (0300hrs) and it is believed that this will have an adverse impact on the surrounding area beyond the control of Mr Kucukkoylu.
  - c) The Police Licensing Officer in company with the council's Licensing Enforcement Officer recently spoke to Mr Kucukkoylu regarding alleged breaches of the conditions attached to the premises licence and, given the time frame between him opening the premises and the alleged breaches of the conditions, it is not felt that he is currently able to operate a late night, drink led

entertainment premises without undermining the licensing objectives.

17. The council's Environmental Protection Unit also served notices of objection to the TEN in compliance with S104 Licensing Act 2003 as amended by S112 Police Reform and Social Responsibility Act 2011 on the grounds that the licensing objective, prevention of public nuisance, would be undermined. A copy of their objection is attached at Annex 4.

18 The nature of their objection is as follows:

- a) 3 noise complaints have been received by EPU on 15<sup>th</sup>, 20<sup>th</sup> and 28<sup>th</sup> July regarding noise and loud music from the venue despite a warning letter being sent on 16<sup>th</sup> July.
- b) During late night visits to the premises it was noted that customers were in the courtyard after midnight in contravention to the conditions on the premises licence.

### **Options**

- 19 By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
- 20. Option 1: Modify the terms of the TEN.
- 21. Option 2: Issue a counter notice refusing authorisation of the TEN.
- 22. Option 3: Choose not to issue a counter notice

### **Analysis**

- 23. The following could be the result of any decision made this Sub Committee:-
- 24. Option 1: This decision could be appealed at Magistrates Court by the premises user or the objector.
- 25. Option 2: This decision could be appealed at Magistrates Court by the premises user.
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## **Council Plan**

27. 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.
- 28 The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

29.
  - **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**

30. 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.

31. 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**

32. Members determine the application.  
Reason: To address the objections received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

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Licensing Manager

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**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

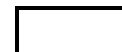


**Date** 08/08/13

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall West**



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