
Licensing Act 2003 Sub Committee**6 August 2020**

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for The Salix Yurts, Willow House Caravan Park, Wigginton Road, Wigginton, York, YO32 2RH**Summary**

1. This report seeks Members' determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-066458
3. Name of applicant: Event Coordin8 Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a wedding venue 3 – 4 times per month:

Proposed Activity	Timings
Live music (indoors and outdoors)	12:00 – 01:00 Monday to Sunday
Recorded music (indoors)	12:00 – 01:00 Monday to Sunday
Late night refreshment (indoors and outdoors)	23:00 – 01:00 Monday to Sunday
Sale of alcohol (on sales only)	11:00 – 00:30 Monday to Sunday
Opening times	08:00 – 01:00 Monday to Sunday

Background

6. A copy of the application is attached at Annex 1. Copies of the site plans are attached at Annex 2.
7. The premises is described in the application as 8m by 10m Yurts that are semi-permanent on a wooden deck with surrounding garden area. The premises is predominantly used for weddings and events. The applicant has applied for the provision of entertainment, late night refreshment and supply of alcohol between the hours of 11:00 and 01:00 and indicates the premises would be used 3 to 4 times per month.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

9. **General**

- a. Refusal log
- b. Private events only
- c. CCTV

10. **The Prevention of Crime and Disorder**

- a. CCTV in operation
- b. Private parties & events only
- c. Refusal of service to intoxicated guests and all refusals logged
- d. Responsible person/event manager at each event

11. **Public Safety**

- a. Private land – not open to public
- b. 5mph speed limit past site
- c. Fenced area between site and road

12. The Prevention of Public Nuisance

- a. 'Respect our neighbours' signage
- b. Soundproofing of the Yurts
- c. Noise levels checked regularly and a log kept

13. The Protection of Children from Harm

- a. Challenge 25 in operation
- b. Refusal of service to guests suspected of buying for a minor

Special Policy Consideration

- 14. This premise is not located within the cumulative impact area.

Consultation

- 15. 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. In addition the relevant ward councillors and/or parish council were notified by way of register.
- 16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

- 17. North Yorkshire Police have agreed conditions with the applicant to be attached to the licence if granted, and therefore make no further representation, their agreed conditions are attached at Annex 3.
- 18. City of York Council Public Protection (Environmental Protection) have agreed conditions with the applicant to be attached to the licence if granted, which includes a change/reduction to the stated timings, therefore they make no further representation. The agreed conditions are attached at Annex 4.

Summary of Representations made by Other Parties

19. There have been nine relevant representations received from other persons. The list of representors is attached at Annex 5.
20. The representations are predominantly based on the grounds of the prevention of public nuisance objectives. They state that this objective will be undermined if the application is granted.
21. A copy of all the representations are attached at Annex 6.
22. A letter was prepared by the applicant in response to the representations received from other persons. A copy of this letter is attached at Annex 7.
23. A map showing the general area around the venue is attached at Annex 8.

Planning Issues

24. On 18 June 2020 a Planning Enforcement Officer advised the Licensing Authority that the site does not have the correct Planning Permission for the intended use.

Options

25. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
26. Option 1: Grant the licence in the terms applied for.
27. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
28. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
29. Option 4: Reject the application.

Analysis

30. The following could be the result of any decision made this Sub Committee:-
31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

35. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
36. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

37.

- **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

38. 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.
39. 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

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

Contact Details

Author:

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public Protection.

**Report
Approved**

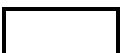


**17 July
2020**

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Haxby & Wigginton



For further information please contact the author of the report

Annexes:

- Annex 1** - Application form
Annex 2 - Plans of premises
Annex 3 - North Yorkshire Police Agreed Conditions

- Annex 4** - Public Protection Agreed Conditions
- Annex 5** - List of Representors (Confidential)
- Annex 6** - Other Persons Representations
- Annex 7** - Letter to other persons from Applicant
- Annex 8** - Map of area
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation and Policy Considerations