
Licensing Act 2003 Sub Committee**26 June 2025**

Report from the Director – Environment, Transport & Planning

**Section 35(3) (a) Application for variation of a premises licence at
The Marcia Grey, 24 Front Street, Acomb, York, YO24 3BZ****Summary**

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 009010
3. Name of applicant: Punch Taverns Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises is a Public House

The variation seeks to amend the plans attached to the current licence to increase the licensable area with the creation of a pool/darts room. There is no change to the hours, operation or licensable activities offered.

Licensable Activity	Existing	Variation requested
Recorded Music - indoors	10:00 until 00:00 Everyday	No Change
Supply of Alcohol – on & off the premises	10:00 until 00:30 Everyday	No Change
Opening hours	10:00 until 01:00 Everyday	No Change

Background

6. A copy of the application can be found at **Annex 1**.
7. A copy of the current licence is attached at **Annex 2**. The licence was granted in August 2005.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

Promotion of Licensing Objectives

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

10. **General**

As per current licence

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

As per current licence

12. **Public Safety**

As per current licence

13. **The Prevention of Public Nuisance**

As per current licence

14. **The Protection of Children from Harm**

As per current licence

Special Policy Consideration

15. This premises is not located within the cumulative impact assessment area.

Consultation

16. 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.
17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. There are no representations from any Responsible Authorities.

Summary of Representations made by Other Parties

19. There have been 3 relevant representations received from other persons. The list of representors is attached at **Annex 4**.
20. The representations are predominantly based on the grounds of the prevention of public nuisance. They state that this objective will be undermined if the application is granted. Of the three representations, one has written in to support the application, two object.
21. Copies of the representations are attached at **Annex 5**.
22. A map showing the general area around the venue is attached at **Annex 6**.
23. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 7**. The Legislation and Policy considerations can be found at **Annex 8**.
24. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
25. Option 1: Modify the conditions of the licence
26. Option 2: Reject the whole or part of the application.
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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.

Council Plan

30. 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.
31. 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 commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

32.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.

- **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

33. 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.
34. 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

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

Contact Details

Author:

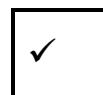
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:

Bryn Roberts
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report
Approved**



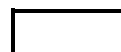
Date

4 June 2025

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Westfield Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form and plan
- Annex 2** - Copy of current licence and plan
- Annex 3** - Overview of circumstances in which entertainment activities are not licensable
- Annex 4** - List of other persons - **CONFIDENTIAL**
- Annex 5** - Other persons representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation & Policy