

Licensing Hearing

To: Councillors Boyce, Gillies and Reid
Date: Thursday, 9 May 2013
Time: 10.00 am
Venue: The Giles Room, First Floor (FO22), West Offices.

AGENDA

1. Chair

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. Minutes

To approve and sign the minutes of Licensing Hearing(s) held on 14th February 2013 and 8th April 2013.

5. The Determination of an Application by Wm Morrison Supermarkets PLC for a Premises Licence Section 18(3)(a) in respect of 5 Spurriergate, York, YO1 9QR. (CYC-021821)

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

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LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all 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, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At

any hearing of an application, the Applicant and any Representors 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. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **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 2 working days 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.

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, representations, or notice, and the promotion of the licensing objectives. 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. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

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 (*if present*). 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 (if present) 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.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

7. The Chair will invite Committee Members, the Applicant and Representors (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 Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
17. 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 *(if present)* on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. 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.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)

- paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

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 (*if present*) 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.

21. If 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 licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

MEETING	LICENSING HEARING
DATE	14 FEBRUARY 2013
PRESENT	COUNCILLORS BOYCE, GUNNELL AND MCILVEEN

33. CHAIR

RESOLVED: That Councillor Boyce be elected as Chair of the meeting.

34. INTRODUCTIONS**35. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

36. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 29th October and 15th November 2012 be approved and signed by the Chair as a correct record.

37. THE DETERMINATION OF AN APPLICATION BY MRS BIJAL PATEL FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 41 HESLINGTON ROAD, YORK, YO10 5AR. (CYC-021531)

Members considered an application by Mrs Bijal Patel for a premises licence in respect of 41 Heslington Road, York, YO10 5AR.

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The application form.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 41 Heslington Road. The premise is not located within the special policy area. A number of conditions had been agreed with North Yorkshire Police and the applicant prior to the hearing and consultation had been carried out successfully.
3. Representations made by a Licensing Consultant at the hearing on behalf of the applicant. It was advised that the applicant wished to expand her business and had recently acquired the lease to the premises. It was stated that she had successfully operated a nearby store for the past two years and without incident.
4. The representations made in writing by local residents who had raised concerns about the addition of another licensed premises in the area.

Members were presented with the following options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application

Members chose Option 2 and added the following conditions as agreed with the applicant and North Yorkshire Police:

- i. CCTV will be installed to cover the premises and will include all areas to where public have access.
- ii. It will be maintained, working and recording at all times when the premises are open.

- iii. The recordings should be of sufficient quality to be produced in Court or other such hearing.
- iv. Copies of the recordings will be kept available for any Responsible Authority for 7 days and will be made available to any Responsible Authority within 48hrs of request.
- v. Copies of the recordings will display the correct time and date of the recording.
- vi. All OFF SALES shall be made in sealed containers.
- vii. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the Premises Licence; and the Opening Times of the venue.
- viii. Such records (referred to in Condition vii) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
- ix. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises.
- x. Both documents (referred to in Condition ix) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
- xi. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- xii. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

All relevant mandatory conditions shall apply.

RESOLVED: That Members determined the application.

REASON: To address issues raised.

Councillor Boyce, Chair

[The meeting started at 2.00 pm and finished at 2.30 pm].

MEETING	LICENSING HEARING
DATE	8 APRIL 2013
PRESENT	COUNCILLORS BOYCE, HORTON AND TAYLOR

38. CHAIR

RESOLVED: That Councillor Boyce be elected as Chair of the meeting.

39. INTRODUCTIONS**40. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

41. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 20th August 2012 be approved and signed by the Chair as a correct record.

42. THE DETERMINATION OF AN APPLICATION BY MS. JOANNA S GRAY, OTTILIE WOOD, JOHN MORGAN, WILL YEMUYANG AND ALISTAIR AND SUE MCCLEAN FOR A REVIEW OF A PREMISES LICENCE SECTION 52(2) IN RESPECT OF MCDONALDS, 14-16 BLAKE STREET, YORK, YO1 8QG (CYC-010238)

Members considered an application for the Review of a Premises Licence in respect of McDonalds, Blake Street, York by Ms. Joanna S Gray, Otilie Wood, John Morgan, Will Yemuyang and Alistair and Sue McClean.

In coming to their decision, the Sub-Committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The licence review application form, in particular the existing licence conditions and the steps taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and her comments made at the Hearing, including that a licence variation had been granted in 2009 for late night refreshment until 05:00. The Licensing Authority had made representation to the application following complaints relating to anti-social behaviour and litter. She advised that the premise falls within the Cumulative Impact Zone and that consultation on the application had been carried out correctly.
3. The Review Applicant's representations made at the Hearing. Dr. Roger Pierce spoke on behalf of the review applicants. He advised that their sleep is disturbed almost nightly by anti-social behaviour outside McDonalds. The noise begins typically at 01:30 and lasts through to a peak at 4am. He stated that residents had reported no disturbances during the month that the restaurant was closed for refurbishment. Despite the residents of Blake Street liaising with McDonald's staff, the Police and the Council, the problems continue. He called some Blake Street residents as witnesses who confirmed the nature and extent of the incidents of public nuisance and crime and disorder.
4. The representations made on behalf of McDonalds by their Legal Representative, who argued that there is no causal link between McDonald's licensable activities and the problems in Blake Street; it is the fact that customers are already drunk when they arrive at the restaurant. She argued that the cumulative impact of anti social behaviour in the centre of York is the underlying issue and that closing McDonalds through the night is not a balanced way to address the issues raised by the review.

5. The representations made by North Yorkshire Police in writing and at the hearing. Their Legal Representative referred the Sub Committee to the Police's written representation and their crime statistics for Blake Street confirmed that the 4am peak of crime and disorder in Blake Street is not typical of the rest of the City. The Police confirmed that there were no reported incidents during the period when the premises were closed for refurbishment. Although McDonalds had been fully co-operative with the Police, the problems continue.
6. The representations made by several interested parties in support of the review in writing and at the Hearing. The Sub-Committee considered this representations to be relevant to the issues raised and the licensing objectives listed above as they confirmed that they had experienced all the problems outlined by the review applicants. One of the representations was considered not relevant as the comments made referred to Duncombe Place Taxi Rank and it was considered that there is insufficient causal link between the reported issues and the premises.
7. The representations made by a representor in opposition to the review application in writing and at the Hearing. She advised that she was opposed to the review on the basis that McDonalds is a place for tourists and displaced individuals to take shelter throughout the night.
8. Written representations made by local residents during the consultation period.

Members then considered the following options:

- Option 1. To modify the conditions of the licence.

The Sub-Committee decided to accept this option and modify the conditions of the licence as it was considered to be proportionate and appropriate to meet the licensing objectives.

- Option 2. To exclude a licensable activity from the scope of the licence.

The Sub-Committee decided to reject this option as it was not considered appropriate or proportionate to

remove the licensable activity 'late night refreshment'.

Option 3. To remove the designated premises supervisor.

The Sub-Committee decided to reject this option because there had been no complaints against the designated premises supervisor.

Option 4. To suspend the licence for a period not exceeding 3 months.

The Sub-Committee decided to reject this option because a longer term solution was sought.

Option 5. Revoke the licence.

The Sub-Committee decided to reject this option because they did not consider it appropriate or proportionate to revoke the premises licence.

In coming to their decision of approving **Option 1**, the Sub-Committee considered the existing licence conditions individually and decided to modify the following conditions:

- Provision of Late Night Refreshment shall take place:

Sunday to Thursday: 23:00 to Midnight

Friday and Saturday and the evening before a bank holiday and all race days:

23:00 to 01:00

- An Adequate number of Door Supervisors will be provided from:

Midnight to 01:00 Friday and Saturday, the evening before a bank holiday and all race days.

Reasons for the Decision:

The Sub-Committee considered carefully the application for review of the premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory

guidance, the Council's statement of Licensing Policy, Human Rights legislation and representations, both written and given orally by all representors.

Members considered and gave no weight to the evidence, both written and presented at the hearing, about late night public nuisance caused by people using the taxi rank in Duncombe Place as it was considered that there is insufficient causal link between the reported issues and the premises.

The Sub-committee noted that the premises are situated close to residential properties and commercial premises in Blake Street. They accepted the representations of the Police, of the Blake Street residents and of the proprietor of commercial premises on Blake Street who gave evidence at the hearing that there is significant late night crime and disorder and public nuisance associated with the premises on a regular basis. They considered in particular that the lead applicant's log of incidents and the crime statistics prepared by the Police carried great weight.

The Sub-Committee carefully considered the argument raised by the premises licence holder that there is no causal link between the provision of late night refreshment at the premises and the problems of late night crime and disorder and public nuisance in Blake Street. This argument was rejected because it was considered that the evidence presented to the committee provided sufficient causal links between the reported issues of public nuisance and crime and disorder and the premises, caused by the congregation of McDonald's customers outside the premises and their behaviour in the vicinity of the premises. The Sub-Committee also attached great weight to the evidence given at the hearing orally by the Police that there were no crime incidents during the period when the premises were closed for refurbishment, and to the representation given at the hearing on behalf of the applicants that there were no disturbances during this period and also to the evidence given at the hearing orally by the proprietor of nearby commercial premises that she experienced no public nuisance at her premises during this period.

The Sub Committee noted that the premises licence holder has cooperated fully with requests made by the Police to attempt to address the problems of crime and disorder and public nuisance at the premises, and has put in place various measures, such

as the provision of street marshals. However, the Sub Committee was satisfied that despite its best efforts, the premises licence holder cannot effectively manage the ongoing and significant problems of public nuisance and crime and disorder that have been identified.

Having considered each of the options available, including the option to take no action, the Sub-Committee were satisfied that it was not appropriate or proportionate to revoke the premises licence/remove the licensable activity but instead decided to modify the conditions of the licence as being proportionate and appropriate to meet the licensing objectives in all the circumstances.

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.15 am and finished at 2.15 pm].



Licensing Act 2003 Sub Committee**9 May 2013**

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for a premise licence for Morrisons, 5 Spurriergate, York, YO1 9QR**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-021821
3. Name of applicant: Wm Morrison Supermarkets PLC
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the sale of alcohol, off the premises, every day between 07:00 hours and 23:00 hours.

Background

6. A copy of the application is attached at Annex 1.

Promotion of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General
 - a) The premises will be constructed in accordance with drawing no. YOR/SK3/BWSL/001 as served with the application or in the case of alteration to those plans any further plans served on the responsible authorities and licensing authority prior to completion of the premises.

- b) All staff engaged in the sale of alcohol will be trained in accordance with the premises licence holder's training procedures.
- c) The company is mindful of the local authority's policy document and in this regard would refer to the overview document attached which details the company's processes and procedures for promoting the licensing objectives. (The overview document is attached at Annex 2).

9. The prevention of crime and disorder

- a) All staff will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable; photo driving licence, passport, Proof of Age Standards Scheme (PASS) card and any other locally or nationally approved form of identification.
- b) CCTV shall be provided on the premises and shall be kept in good working order.
- c) All checkout operators will operate a refusal log.

10. Public safety

- a) The premises licence holder undertakes ongoing risk assessments in order to comply with health and safety legislation.

11. The prevention of public nuisance

- a) The premises are responsibly managed and supervised. No additional measures are believed necessary.

12. The protection of children from harm:

- a) All staff will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable; photo driving licence, passport, Proof of Age Standards Scheme (PASS) card and any other locally or nationally approved form of identification.
- b) Till prompts are in use at the store.

Special Policy Consideration

13. This premise falls within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The Special Policy was approved by full council on 7th January 2011. A copy of the special Policy Statement is attached at Annex 3. A map showing the location of the premises is attached at Annex 4.

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

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police made representation to the application on the grounds that it is believed that the licensing objective, the prevention of crime and disorder, would be undermined on the granting of this application. A copy of the representation is attached at Annex 5.
17. The nature of the representation is as follows. The proposed location of the premises is situated in the City of York Council's Cumulative Impact Zone (CIZ) which creates a rebuttable presumption that applications for new premises licences will normally be refused if relevant representations to that effect are received. The Police believe their representation is relevant due to the following facts –

- City centre stores of this type do generate crime;
- Street drinkers in the city do attempt to obtain their alcohol from stores of this type (both legally and illegally) which contributes to anti-social behaviour in the city;
- Late night revellers are often seen purchasing alcohol from stores of this type and attempting to 'smuggle' this alcohol into neighbouring city centre venues where consumption goes unchecked.

Summary of Representations made by Parties other than Responsible Authorities

18. There were no representations received from other parties.

Planning Issues

19. These premises are bound by the restrictions imposed by Planning permission 03/00558/FUL for the redevelopment of a number of shops on Spurriergate. Condition 13 of that permission reads as follows:
20. The A1 retail units shall be closed and vacated to customers beyond the hours of 0900 to 2100 hours Mondays to Saturdays and 1000 to 1800 hours on Sundays, unless an extension of these hours on specified dates is first agreed in writing by the Local Planning Authority.
21. Reason: in the interests of the amenities of the hereby approved flats'.

Options

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

26. Option 4: Reject the application.

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

Author:

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Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**



Date 24/04/13

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall East



For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of overview document
- Annex 3** - Copy of special policy document
- Annex 4** - Plan showing premise location
- Annex 5** - Copy of police representation
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations

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