
Licensing Act 2003 Sub Committee**7 November 2019**

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Cecils, 7 Kimberlow Hill Retail Park, York, YO10 5LA**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-065069
3. Name of applicant: Mr Deniz Durdu
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:

Proposed Activity	Timings
Late night refreshment (both indoors & outdoors)	Friday & Saturday 23:00 – 01:00
Sale of alcohol (on & off sales)	Sunday to Thursday 11:00 – 23:00 Friday & Saturday 11:00 – 01:00
Opening times	Sunday to Thursday 11:00 – 23:00 Friday & Saturday 11:00 – 01:00

Background

6. A copy of the application is attached at Annex 1. A copy of the plan of the premises is attached at Annex 2.

7. The premises is described as a pizza and grill restaurant with takeaway.

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. The premises operates as a pizza and grill restaurant and takeaway. The applicants wishes to serve alcohol to customers on the premises and with food deliveries. Food will be purchased for the supply of alcohol.

10. The Prevention of Crime and Disorder

- a. A full colour CCTV system is installed which covers the inside and outside of the premises.
 - b. Photo proof of age ID in the form of over 21 or passport/driving licence will be requested for all purchase of alcohol including deliveries.
 - c. Alcohol will only be supplied with the ordering of food.

11. Public Safety

- a. A fire risk assessment has been carried out of the premises.

12. The Prevention of Public Nuisance

- a. Notices are positioned asking customers to leave the premises quietly
 - b. The outside dining area will not be used after 2300

13. The protection of children from harm

- a. Proof of age ID will only be accepted in the form of over 21/passport or driving licence on all purchases including deliveries.

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 have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application.
17. The Police representation is attached at Annex 3.

Summary of Representations made by Other Parties

18. There has been one relevant representations received from other persons. The list of representors can be seen at Annex 5.
19. The representation is based on the grounds of the prevention of public nuisance and can be seen at Annex 4.
20. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

21. There are no outstanding planning issues.

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 four 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 Plan for a prosperous city for all and a council that listens to residents.

Implications

34.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- Other** – none

Risk Management

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

Recommendations

37. Members determine the application.

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

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public
Protection.

**Report
Approved**

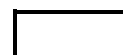


**17 October
2019**

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Hull Road



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - North Yorkshire Police Representation
- Annex 4** - Other Person Representation
- Annex 5** - List of Representors
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations