
Licensing Act 2003 Sub Committee**21 August 2014**

Report from the Assistant Director – Housing & Community Safety

Section 18(3) (a) Application for a premise licence for Ali G's Pizza House, 11a Tower Street, York YO1 9SA.**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-023674
3. Name of applicant: Mrs A.D. Kose.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Late Night Refreshment	Mon – Sat 23:00 – 03:30 Sun 23:00 – 24:00
Sale of alcohol- off sales only	Mon – Sat 16:00 – 03:30 Sun 16:00 – 24:00
Opening times	Mon – Sat 16:00 – 03:30 Sun 16:00 – 24:00

Background

6. A copy of the application is attached at Annex 1.
7. A premises licence, CYC 010581 is already in force for this business but only covers for the provision of late night refreshment. It is proposed that this will be surrendered should a new licence be granted. A copy of this licence is attached at Annex 2.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. Prevention of Crime and Disorder
 - a) Sales of alcohol will be over the counter and via a delivery service but only with food orders. There will be no sales of alcohol alone. All delivery drivers will be 18 years of age or older.
 - b) Sales will be over the counter and via a delivery service but only with food orders and not the sale of alcohol alone. All delivery drivers will be 18 years of age or older.
10. Public Safety
 - a) Experienced staff, supervisor and CCTV system.
11. Prevention of Public Nuisance
 - a) The CCTV system will be enhanced and supported with a working record kept for 7 days and a refusals book kept on the premises for inspection by officers.
12. Protection of Children From Harm
 - a) ID signage will be prominently displayed and staff will be trained only to serve or deliver alcohol following the presentation of a passport, photo ID, or driving licence.
 - b) If in any doubt delivery drivers will only leave food and not alcohol.
 - c) There will be no deliveries of alcohol only.
 - d) All delivery drivers will be over the age of 18.

Special Policy Consideration

13. This premise is located within the special policy area approved by full council on 27 March 2014. A copy of the policy is attached at Annex 3.

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 mediated with the applicant who has agreed to a number of conditions being added to the licence if granted. These conditions are show at Annex 4

Summary of Representations made by Parties other than Responsible Authorities

17. One relevant representation has been received and a copy of this is attached at Annex 5.
18. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

19. The council's development Management team have been in contact with the applicant regarding the required planning permissions and will deal with any issues within their remit.

Options

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

Analysis

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

30. 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.
31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

32.

- **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

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:

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Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**



Date 06/08/2014

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** - Operating Schedule.
- Annex 3** - Special Policy.
- Annex 4** - Copy of proposed Police conditions.
- Annex 5** - Copy of representation.
- Annex 6** - Map showing location of venue.
- Annex 7** - Mandatory Conditions.
- Annex 8** - Legislation and Policy Considerations.