
Licensing Act 2003 Sub Committee**2nd February 2015**

Report from the Assistant Director – Housing & Community Safety

Section 18(3) (a) Application for a premise licence for Unit 8,10 and 12, Stonebow House, The Stonebow, York, YO1 7NP**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-052492
3. Name of applicant: Project York Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the following:

| Licensable Activity | Days | Hours |
|-------------------------------|-----------|---------------|
| Plays | Mon – Sun | 10:00 – 04:00 |
| Films | Mon – Sun | 10:00 – 04:00 |
| Live Music | Mon – Sun | 10:00 – 01:00 |
| Recorded Music | Mon – Sun | 10:00 – 04:00 |
| Performance of dance | Mon – Sun | 10:00 – 04:00 |
| Anything similar to the above | Mon – Sun | 10:00 – 04:00 |
| Late Night Refreshment | Mon – Sun | 23:00 – 04:00 |

| | | |
|--|-----------|---------------|
| Supply of Alcohol (on and off the premises) | Mon – Sun | 10:00 – 03:30 |
| Opening times | Mon – Sun | 10:00 – 04:00 |

The timings include a request for an extension of hours from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day for all activities.

Background

6. A copy of the application is attached at Annex 1.
7. This venue operated under a premises licence (CYC 009310) until July 2015 when the licence holder at that time surrendered it and vacated the building. 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. The prevention of crime and disorder
 - a) The venue will have a Zero Policy towards any disorder leading to violence or anti-social behaviour.
 - b) Trained and SIA qualified Door Supervisors will be recruited and instructed to deny entry to any customers who appear to have drunk excessively.
 - c) Staff will have training in responsible alcohol service so as to identify and refuse service to customers who have drunk to excess. This will be assisted by clear policies on standards of acceptable behaviour and training records which are to be kept updated and refreshed with each existing or incoming member of staff.
 - d) There is to be an in-house drugs policy which will assist the staff in recognising and reporting and suspicious conduct.
 - e) The DPS will work with the police to help eradicate violent, drunken or anti-social behaviour.
 - f) Colour digital CCTV will be installed in all appropriate parts of the venue and with film downloads on request.
 - g) Staff will participate in the night-time economy radio system.

10. Public safety

- a) Public safety will be maintained by various control measures and precautions including the use and inspection of extraction fans, strict application of the House Drugs Policy, high standards of cleanliness, the use of admission procedures and search policies, staff training.
- b) There will be first aid boxes and staff who are First Aid qualified along with accident reporting procedures
- c) There will be continuous monitoring of escape routes, notices to alert customers to exit route instructions, keeping exit routes clear and maintaining staff training in evacuation procedures with emphasis on any persons with disabilities.

11. The Prevention of public nuisance

- a) Queues outside the premises are maintained at the entrance which is able to be singularly regulated at all times by the Door Supervisors to ensure that the noise is kept at a minimum and that the line is orderly and structured.
- b) The venue is to have firm policies on monitoring customers who leave the premises to ensure that they leave quietly and sensibly. To that effect, the exits will be manned by Door Supervisors at all times.
- c) There will be nightly checks to detect the egress of sounds or smells. There are no windows to the premises which assist in keeping the noise levels under control.
- d) The doors are to be closed during a performance or event.
- e) Any complaint will be immediately dealt with by the manager.

12. The protection of children from harm:

- a) Guidance and training will be given to staff to ensure that all reasonable steps are taken to establish age.
- b) The identity card system will be in operation on the premises.
- c) All staff are to be required to provide any convictions that will make them unsuitable to deal with children.
- d) Only children over 16 years will be able to attend without an adult and will have to leave after the performance of live music if under the age of 18 years.

- e) The venue will operate a stamp or wrist-band scheme so that anyone over 18 years will have to have this identity on them for the purchase of alcohol.
- f) Anyone found attempting to purchase alcohol and under the age of 18 years will be required to leave immediately.

Special Policy Consideration

- 13. This premise is not located within the extended special policy area.

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 3
- 17. The Council's Environmental Protection Unit has mediated with the applicant who has agreed to a number of conditions being added to the licence if granted. These conditions are shown at Annex 4.

Summary of Representations made by Parties other than Responsible Authorities

- 18. Relevant representations have been received from 8 local residents listed at Annex 5. Their representations are shown at Annex 6
- 19. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

- 20. There are no planning issues relating to this application.

Options

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

Analysis

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by 30e applicant.

Council Plan

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

Implications

33.

- **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

34. 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.
35. 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

36. 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:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**



Date 16/01/2015

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 previous licence
- Annex 3** - Police agreed conditions
- Annex 4** - Environmental Protection Unit agreed conditions.
- Annex 5** - List of representors
- Annex 6** - Relevant representations
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations