



**Notice of a public meeting**  
**Licensing Hearing**

**To:** Councillors Aspden, Watt and Wiseman

**Date:** Thursday, 15 January 2015

**Time:** 10.00 am

**Venue:** The Auden Room - Ground Floor, West Offices (G047)

**AGENDA**

**1. Chair**

To elect a Member to act as Chair of the meeting.

**2. Introductions**

**3. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**4. Minutes**

(Pages 7 - 18)

To approve and sign the minutes of Licensing Hearing(s) held on 11<sup>th</sup> August 2014 and 15<sup>th</sup> September 2014.

**5. The Determination of an Application by Sainsbury's Supermarkets Ltd for a Premises Licence Section 18(3)(a) in respect of Sainsbury's (Former Groves Chapel), Clarence Street/Union Terrace, York, YO31 7EW. (CYC-052345)** (Pages 19 - 58)

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- Email - [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

For more information about any of the following, please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

**Distribution:**

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Library.



## **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.



City of York Council

Committee Minutes

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Meeting Licensing Hearing

Date 11 August 2014

Present Councillors McIlveen, Richardson and Watt

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**11. Chair**

Resolved: That Councillor Watt be elected as Chair of the meeting.

**12. Introductions****13. Declarations of Interest**

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

**14. The Determination of an Application by Ellis Thackray for a Premises Licence Section 18(3)(a) in respect of 59-63 Walmgate, York, YO1 9TY (CYC- 023576)**

Members considered an application for a premises licence by Ellis Thackray in respect of 59-63 Walmgate, York, YO1 9TY.

In coming to their decision, Members took into consideration all of the evidence and the 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 Managers report and her comments made at the hearing. She advised that the application was for a premises licence at 59-63 Walmgate, York. Plans showing the location and floor layouts were tabled. It was pointed out that although the applicant had intended to licence the outside area, this had been discounted from the

application in error and so the application before Members would not include the outside area. The premise is not located within the special policy area. A number of conditions had been agreed with North Yorkshire Police and the Council's Environmental Protection Unit prior to the hearing. Consultation had been carried out successfully.

3. The representations made at the hearing by the applicant's solicitor. He outlined the changes made to the application – the application would only relate to the sale of alcohol as the request for live and recorded music had been removed. He also reiterated that the outside area was not part of the application. He advised that the majority of the premises floor space (over half) would be used as a bicycle shop, bicycle repair shop and showroom for 'City Bikes' which would be a new concept for York. The cafe aspect of the business would be a small ancillary cafe/restaurant area which would be laid out for a minimum of 16 covers at all times and would not be used for vertical drinking. It was anticipated that the premises would operate 9am to 6pm but the later hours had been applied for in case of special events being held for a cycle club or similar group. Smoking would not be allowed anywhere on the premises including the outside area and the applicant would manage this himself.
4. The representations made in writing and at the hearing by Local Residents who raised concerns about the potential for public nuisance caused by customers being in the outside area which faced onto their properties. They also raised concern about the extractor fan which had been installed to the rear of the premises and queried the planning status although it was accepted that these issues could not be addressed by the Licensing Committee. They also raised concerns about the number of licensed premises opening up in the Fossgate/Walmsgate area and the potential for the addition of this licence to add to the existing problems of public nuisance and crime and disorder.

In coming to their decision the Sub-Committee considered 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 Sub-Committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates.
- Option 4 Reject the application.

Members chose Option 2 and agreed to grant the licence with the following additional conditions:

North Yorkshire Police Conditions

1. The venue shall operate primarily as a bicycle show room and repair centre with ancillary cafe style operation. For the purpose of clarity a 'cafe style' would be defined as a small restaurant serving light refreshments.
2. The majority (i.e. over half) of the floor space shall be given over to display of bicycles or cycling paraphernalia, the repair of bicycles or any other ancillary cycling materials/products.
3. There shall be a minimum of 16 seated covers laid out at anytime.
4. The first floor shall not be used for the consumption of alcohol or any licensable activities.
5. Digital colour CCTV will be installed to cover the entrance to the venue and the bar serving area so as to capture images of persons entering the venue.
6. CCTV will be maintained, working and recording at all times when the premises are open.
7. The recordings will be of evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
8. Copies of recordings will be kept available for any responsible authority for 28 days.
9. Copies of the recordings will be made available to any responsible authority within 48 hours of request.

10. Copies of the recordings will display the correct time and date of the recording.
11. All images downloaded from the CCTV must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
12. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.
13. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
14. 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.
15. The documented records (referred to in condition 16) shall be kept for at least a year and they will be made available upon request from any responsible authority.
16. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people.
17. Both the above documents (referred to in condition 18) will be made available upon request from any responsible authority and will be kept for at least one year.

Conditions requested by the Councils Environmental Protection Unit:

18. Bottles will not be disposed of into bins at night but will be disposed of after 10am in the morning.
19. Customers shall not take alcoholic drinks outside the premises.

All relevant mandatory conditions shall apply.

REASON FOR THE DECISION:

The Sub-Committee concluded that the application was acceptable with the above amended and additional conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee noted the local residents' concerns. They also noted that there had been no objection to the application from the Responsible Authorities and that the Police and EPU had agreed a number of proposed conditions with the applicant to address potential crime and disorder and public nuisance issues. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to be satisfied that the premises would be operated responsibly to avoid noise nuisance to local residents. It also took into account that there would be no live music or recorded music. It also noted that the premises would operate primarily as a bicycle shop with the cafe being ancillary and it would not be used as a vertical drinking establishment.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above but reminded the applicant of the necessity of upholding all of the licensing objectives and highlighted the possibility of the licence being reviewed if it was found that the licensing objectives were not being upheld.

Resolved:            That in line with Option 2 the licence be granted.

Reason:             To address the issues raised.

Councillor Watt, Chair

[The meeting started at 10.00 am and finished at 11.30 am].

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City of York Council

Committee Minutes

Meeting

Licensing Hearing

Date

15 September 2014

Present

Councillors Horton, Looker and Watt (Chair)

**20. Chair**

Resolved: That Councillor Watt be elected as Chair of the meeting.

**21. Introductions****22. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. No further interests were declared.

**23. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 23 June 2014 be approved and signed by the Chair as a correct record

**24. The Determination of an Application by Burnholme Social Club for a Club Premises Certificate Licence Section 18(3)(a) in respect of Burnholme Social Club, Burnholme Drive, York, YO31 0LL. (CYC-023794)**

Members considered an application for a Club Premises Certificate Licence in respect of Burnholme Social Club, Burnholme.

In coming to their decision, Members took into consideration all of the evidence and the 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 in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
2. The Licensing Manager's report and her comments made at the Hearing. She had advised that the application was for a club premises certificate at Burnholme, York for a new clubhouse to replace the existing club, which was to be demolished. A new club premises certificate was therefore required and plans showing the location and floor layouts of the new premises were tabled. She had advised that the new club would be sited adjacent to both existing and new residential development and highlighted details of the revised activities and hours applied for. Consultation had been carried out successfully.
3. The applicants representations at the hearing in which they advised that although they wished to extend the hours of opening they had no plans to change existing activities, however extending the hours would give flexibility to extend activities, as and when required.
4. The representations made in writing and at the hearing by a local resident who raised concerns about the potential for public nuisance arising from the extension of opening hours and possible noise affecting neighbouring properties. In particular issues arising from insulation of the property, emptying of bottle bins, CCTV coverage, operation of the PA system, additional traffic, signage respecting the needs of local residents and designation of a smoking area.
5. The comments made by Cllr Boyce, ward member, who asked for the concerns of adjacent residents to be taken into consideration to ensure that any disturbance was kept to a minimum.

In coming to their decision the Sub-Committee considered the following options:

- Option 1     Grant the certificate in the terms applied for and including any applicable mandatory conditions.



- Option 2 Grant the certificate with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions.
- Option 3 Grant the certificate to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions.
- Option 4 Reject the application.

Members chose Option 2 and agreed to grant the certificate with the following additional conditions:

North Yorkshire Police Conditions

1. CCTV will be installed to cover the main front door of the premises.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings will be of evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
4. Copies of recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings will display the correct time and date of the recording.
6. Copies of the recordings will be made available to any responsible authority within 48 hours of request.
7. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the club premises certificate; and the operating times of the venue.
8. Such records (referred to in condition 7) shall be kept for at least one year and they will be made available immediately upon a reasonable request from a responsible authority.
9. Upon the granting of this club premises certificate the current club premises certificate for the venue (Club Premises Certificate No CYC 009749) shall be surrendered.

Environmental Protection Unit Conditions:

1. All doors and windows shall be closed during regulated entertainment or, when regulated entertainment is not provided after 23:00 hours each night (except for ingress and egress).
2. Clear signage shall be displayed requesting that customers respect local residents and to leave the premises quietly.
3. Bottle bins are only to be emptied between the hours of 9am and 10pm Monday to Sunday.
4. The external drinking areas shall be vacated, cleared and cleaned by 22:00 on each and every day.
5. Noise originating from within the premises shall be inaudible at noise sensitive properties.

Additional Condition:

1. Bottles shall only be placed in any external waste bin between the hours of 9am and 10pm Monday to Sunday.

All relevant mandatory conditions shall apply.

Reason For The Decision:

The Sub-Committee concluded that the application was acceptable with the above amended and additional conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee noted the local resident's concerns about the potential for public nuisance associated with the premises due to the close proximity of the new club to residential properties. They also noted that there had been no objection to the application from the Responsible Authorities and that the Police and EPU had agreed a number of proposed conditions with the applicant to address potential crime and disorder and public nuisance issues. The Sub-Committee considered that the additional condition imposed by the Sub-Committee was adequate to ensure that the placing of bottles into outside bins

takes place at times that will prevent disturbance to nearby properties. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to be satisfied that the premises would be operated responsibly to avoid noise nuisance to local residents and that the above-mentioned conditions would enable the four licensing objectives to be met. The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above but reminded the applicant of the necessity of upholding all of the licensing objectives and highlighted the possibility of the licence being reviewed if it was found that the licensing objectives were not being upheld.

Resolved: That the club premises certificate licence be approved in line with Option 2.

Reason: To address the issues raised.

Councillor Watt, Chair

[The meeting started at 10.00 am and finished at 11.15 am].

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**Licensing Act 2003 Sub Committee****15th January 2015**

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for a Premise Licence for Sainsbury's,  
Former Groves Chapel, Clarence Street/Union Terrace, York, YO31  
7EW**

**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-052345
3. Name of applicant: Sainsbury's Supermarket 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 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. The prevention of crime and disorder
  - a) The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
  - b) The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification

standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

- c) The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- d) The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
- e) A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
- f) The system will display, on any recording, the correct time and date of the recording.

9. Public safety

- a) The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

10. The prevention of public nuisance

- a) Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

11. The protection of children from harm:

- a) The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing

a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

### **Special Policy Consideration**

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

### **Consultation**

13. 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.
14. All procedural aspects of this application have been complied with.

### **Summary of Representations made by Responsible Authorities**

15. Following discussions with the North Yorkshire Police, the applicants have agreed to add a number of additional conditions to their operating schedule which will be incorporated into the premise licence if granted. As such there is no police representation. A copy of these proposals is attached at Annex 2.

### **Summary of Representations made by Parties other than Responsible Authorities**

16. Relevant representations have been received from 3 persons listed at Annex 3 and their representations are shown at Annex 4.
17. A map showing the general area around the venue is attached at Annex 5.

### **Planning Issues**

18. There are no planning issues regarding this application.

### **Options**

19. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -

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

### **Analysis**

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

### **Council Plan**

29. 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.
30. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

### **Implications**

31

- **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**

32. 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.
33. 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**

34. Members determine the application.

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

### **Contact Details**

**Author:**

**Chief Officer Responsible for the report:**

Lesley Cooke  
Licensing Manager  
Tel No. 01904 551515

Steve Waddington  
Assistant Director  
Housing & Community Safety.  
Tel No. 01904 554016

**Report  
Approved**



**Date** 24/12/2014

**Specialist Implications Officer(s)**

Andy Docherty - Head of Legal & Democratic Services  
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**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 additional conditions
- Annex 3** - List of representors
- Annex 4** - Relevant representations
- Annex 5** - Plan of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations