
Licensing Act 2003 Sub Committee

13 May 2024

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for 14 Clifford Street, York, YO1 9RD

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 077680
3. Name of applicant: Mr Joseph Moore
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 at a basement lounge/social bar.

Proposed Activity	Timings
Films – indoors	10:00 to 01:00 everyday
Live Music – indoors	10:00 to 01:00 everyday
Recorded Music - Indoor	10:00 to 01:00 everyday
Late Night Refreshments - Indoors	23:00 to 01:00 everyday
Supply of Alcohol – on and off the premises	10:00 to 01:30 everyday

***Please note the applicant has agreed to remove indoor sports, boxing or wrestling and performance of dance from the application**

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.
7. The premises is described in the application as a basement lounge/social bar predominantly used by holiday guests that have booked into the upper floor apartments. The basement will be open to non-patrons prior to booking in advance. Live lounge style entertainments will be provided on certain evenings with pool table and darts. The lounge will be available for guests from when guests check in.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

10. General

- a. The premises is a basement storey attached to four upper storey riverside apartments which fall under the same ownership. The proposed licensed area in the basement will be predominantly used as a lounge/social bar for guests and some non-patrons with prior booking.

11. The Prevention of Crime and Disorder

- a. Full colour CCTV system is installed, and a record kept.
- b. Challenge 21 will be in operation and this or passport will be accepted as proof of age.
- c. Pre booked holiday guests and advance bookings on non-patrons are only accepted into the lounge bar.

12. Public Safety

- a. This premises was newly refurbished in 2022. A full fire risk assessment has been carried out.
- b. The occupancy of the bar shall not exceed 100 persons.

13. The Prevention of Public Nuisance

- a. The premises is located in the basement with adequate sound proofing installed due to sleeping accommodation of holiday guests above.
- b. There are no open windows from the basement.
- c. Any non-patrons can ask management to call for a taxi or be directed to the nearest taxi rank.
- d. Signs will be positioned asking patrons to leave quietly.

14. The Protection of Children from Harm

- a. Children are welcome with adults if staying at the holiday apartments.

Special Policy Consideration

15. This premises is not located within the cumulative impact area.

Consultation

16. 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.
17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police made representation on the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. The agreed conditions can be found at Annex 3. Therefore, North Yorkshire Police have withdrawn their representation.

19. Public Protection have made representation on the prevention of public nuisance and the protection of children from harm; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. They have also removed some licensable activities from the licence application (indoor sports, boxing or wrestling and performance of dance). Therefore, Public Protection have withdrawn their representation. Their agreements can be found at Annex 4.

Summary of Representations made by Other Parties

20. There have been 2 relevant representations received from other persons. The list of representors is attached at Annex 5.
21. The representations are predominantly based on the grounds of the Prevention of public nuisance and prevention of crime and disorder objectives. They state that this objective(s) will be undermined if the application is granted.
22. A copy of all the representations are attached at Annex 6.
23. A map showing the general area around the venue is attached at Annex 7.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

Options

25. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
26. Option 1: Grant the licence in the terms applied for.
27. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
28. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
29. Option 4: Refuse to specify a person on the licence as premises supervisor.
30. Option 5: Reject the application.

Analysis

31. The following could be the result of any decision made this Sub Committee: -
32. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
33. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
35. Option 4: This decision could be appealed at Magistrates Court by the applicant.
36. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

37. 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.
38. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications, the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

39.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A

- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **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

40. 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.
41. 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

42. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

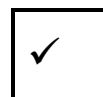
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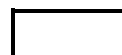
**Report
Approved**



Date 22 April 2024

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

Annex 1 - Application form

Annex 2 - Overview of Circumstances in which entertainment activities
are not licensable

Annex 3 - Conditions agreed with North Yorkshire Police

Annex 4 - Conditions agreed with Public Protection

Annex 5 - List of representors **(CONFIDENTIAL)**

Annex 6 - Representations

Annex 7 - Map

Annex 8 - Mandatory Conditions

Annex 9 - Legislation and Policy