
Licensing Act 2003 Sub Committee

2 October 2006

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for 51 Blossom Street, York, YO24 1AZ

Summary

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-010757
3. Name of applicant: Baki Kala
4. Type of authorisation applied for: Variation of a premises licence.
5. Summary of application: The nature of the application is to extend existing licensed hours for the provision of late night refreshment. The premise is currently licensed Monday to Saturday until 00:00 hours and Sunday until 23:30 hours. This variation seeks to extend the hours Monday to Thursday until 01:00 hours, Friday and Saturday until 03:00 hours and Sunday until 00:00 hours.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant does not propose any additional steps to address the licensing objectives.

Special Policy Consideration

9. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the

concentration of licensed premises in this particular part of the city centre. The special policy was approved by the licensing committee on 1 April 2005 and considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 9.

Consultation

10. 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.

Summary of Representations made by Responsible Authorities

11. A representation has been received from the following responsible authority relating to this application. This is attached at Annex 3 and summarised below:
12. City of York Council City Strategy (Planning): Make representations on the grounds of the prevention of public nuisance licensing objective in that there is a concern that would be an adverse impact on residential amenity by virtue of noise if extended hours were to be granted.

Summary of Representations made by Interested Parties

13. Representations have been received from the interested parties listed at Annex 4 (confidential). Their representations are attached at Annex 6.
14. The addresses of the interested parties are indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which representations were received is attached at Annex 7. Six representors are from the South Parade area, two are from the Moss Street area and one is from the East Mount Road area. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
15. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Options

16. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
17. Option 1: Grant the variation of the licence in the terms applied for.

18. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
19. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
20. Option 4: Reject the application.

Analysis

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

Corporate Objectives

26. 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.
27. These directly contribute to the Council's Safer City priority and corporate aim 4.
28. In addition the licensing objectives of public safety and prevention of public nuisance contribute towards corporate objective 1.4 – protection of residents from pollution, public health and safety hazards.

Implications

29.
 - **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

30. In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
31. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the objectives of this report.

Recommendations

32. Members determine the application.

Contact Details

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Report Approved ✓ **Date** 12 September 2006

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal and Democratic Services
Civic Democratic & Legal Services

Wards Affected: Dringhouses & Woodthorpe

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Application form
- Annex 3** - Representations from Responsible Authorities
- Annex 4 (Confidential)** - List of Interested Parties
- Annex 5 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 6** - Representations from Interested Parties
- Annex 7** - Map showing general area from which representations received
- Annex 8** - Mandatory Conditions
- Annex 9** - City Centre Special Policy Statement
- Annex 10** - Legislation and Policy Considerations