
Licensing Act 2003 Sub Committee

28 February 2007

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Wigginton Parish Church (St Mary & St Nicholas Parish Church), Back Lane, Wigginton, York, YO32 2ZH

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-012622.
3. Name of applicant: Wigginton Parochial Church Council
4. Type of authorisation applied for: Grant of premises licence.
5. Summary of application: The nature of the application is to authorise the supply of alcohol Monday to Sunday 09:00 hours to 23:00 hours.
6. The applicant has also applied for the provision of regulated entertainment consisting of plays, films, indoor sporting events, live and recorded music and dancing and the provision of entertainment facilities for making music and dancing. Under Paragraph 9, Part 2 of Schedule 1 to the Licensing Act 2003, the provision of any entertainment or entertainment facilities at a place of religious worship is not to be regarded as the provision of regulated entertainment. Therefore, these premises are exempt from the need to be licensed for activities other than the supply of alcohol.

Background

7. A copy of the application is attached at Annex 1.

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: 1) The building is protected by burglar alarm and all alcohol stock will be kept in a secure cupboard.

10. Public safety: 1) Fire and general risk assessments are undertaken.
11. The prevention of public nuisance: 1) Noise levels will be constantly monitored.
12. The protection of children from harm: 1) There will be a strict underage policy in force.

Special Policy Consideration

13. This premise is not located within the 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 Fire and Rescue Service made a representation on the grounds of public safety but subsequently withdrew it when the applicant agreed to the following condition being attached to the licence; "The maximum permitted occupancy should not exceed either 75 persons when the premises are to be used for dancing or standing only OR 42 persons if the premises are to be used as a seated at table environment.

Summary of Representations made by Interested Parties

17. A representation has been received from an interested party from the St Mary's Mews area. This representation is attached at Annex 2.
18. The name and address of the interested party is indicated on the map attached as Annex 3 (confidential). A further map indicating the general area from which the representation was received is attached at Annex 4. 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.
19. 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.

Planning Issues

20. There are no planning issues relevant 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 the applicant.

Corporate Priorities

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 priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

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.

Contact Details

Author:

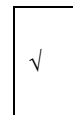
John Lacy
Acting Licensing Manager

Chief Officer Responsible for the report:

Richard Haswell
Head of Licensing & Regulation

Licensing & Regulation
Tel: 551593

Report Approved



Date 14 February 2007

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal & Democratic Services
Civic Democratic & Legal Services
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Wards Affected: Haxby & Wigginton

For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of application form

Annex 2 - Copy of representation from interested party

Annex 3 (Confidential) - Map of area indicating address of interested party

Annex 4 - Map showing general area from which representation received

Annex 5 - Mandatory Conditions

Annex 6 - Legislation and Policy Considerations