
Licensing Act 2003 Sub Committee

9 November 2020

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Haizhonglao Hot Pot & BBQ, 12 George Hudson Street, York, YO1 6LP

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-067017
3. Name of applicant: Wen Lin Chen
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:

| Proposed Activity | Timings |
|----------------------------------|---------------------------|
| Recorded Music(Indoors) | 11:00 – Midnight everyday |
| Sale of alcohol (on & off sales) | 11:00 – Midnight everyday |
| Opening times | 11:00 – Midnight everyday |

Background

6. A copy of the application is attached at Annex 1. A copy of the plans of the premises are attached at Annex 2.
7. The premises is described in the application as a Chinese hot pot and BBQ restaurant.

Promotion of Licensing Objectives

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

9. General

The legislation provides a clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. Each objective is of equal importance.

10. The Prevention of Crime and Disorder

An alarm or other security measure should be installed at the premises to protect it when closed. CCTV should be installed inside and outside the premises. The cameras should cover all internal and external area as possible.

11. Public Safety

A full risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards.

12. The Prevention of Public Nuisance

All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the Licensing Authority.

13. The Protection of Children From Harm

The admittance of children can only be permitted if they are accompanied by an adult.

ID check – No sale policy, Challenge 21 scheme to anyone under 18 to purchase alcohol.

Special Policy Consideration

14. This premises is located within the cumulative impact assessment (CIA) area approved by full council on 21 March 2019. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4.

Consultation

15. 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.
16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

17. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
18. The Police representation is attached at Annex 5 a, b and c. Please note Annex 5 c is restricted.
19. City of York Licensing Authority has made a representation on the grounds that the granting of this application would undermine the licensing objectives of both prevention of crime and disorder and prevention of public nuisance. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
20. The Licensing Authority representation is attached at Annex 6.

Summary of Representations made by Other Parties

21. There have been no other representations received from other persons.
22. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

23. There are no outstanding planning issues.

Options

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

Analysis

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

Council Plan

34. 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.
35. 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's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

36.

- **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

37. 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.
38. 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

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

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public
Protection.

**Report
Approved**



27/10/2020

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises x 2
- Annex 3** - Cumulative Impact
- Annex 4** - Licensing Policy Annex
- Annex 5 a** - North Yorkshire Police Representation
- Annex 5 b** - North Yorkshire police Appendix 1
- Annex 5 c** - North Yorkshire Police Statement **RESTRICTED**
- Annex 6** - Licensing Authority Representation
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations