

Report of the Director of Neighbourhood Services

**Section 35(3)(a) Application for the Variation of a premise licence  
for The Red Lion, Main Street, Knapton, York, YO26 6QG**

**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-009065.
3. Name of applicant: Richard and Tracey Butler.
4. Type of authorisation applied for: Variation of a premises licence.
5. Summary of application: The nature of the application is to alter the area of the premises currently authorised for carrying out licensable activities to include the outside area and to carry out internal alterations to the premises.

**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. No additional steps have been proposed by the applicant to promote the licensing objectives. Conditions existing on the current licence will apply.

**Special Policy Consideration**

9. This premise is not located within the special policy area.

**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 A representation was received by the North Yorkshire Fire and Rescue Service which was subsequently withdrawn when the applicant agreed that all building work would be carried out in accordance with the requirements of the Building Control Officer and the Fire Authority after consultation under the Building Regulations.

### **Summary of Representations made by Interested Parties**

12. Representations have been received from the interested parties listed at Annex 3 (confidential). Their representations are attached at Annex 4.
13. 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 6. All representations were received from the Main Street and Back Lane areas of Knapton. 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.
14. 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**

15. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
16. Option 1: Grant the variation of the licence in the terms applied for.
17. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
18. 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.
19. Option 4: Reject the application.

## **Analysis**

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

## **Corporate Priorities**

25. 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.
26. These directly contribute to the Council's Safer City priority and corporate aim 4.
27. 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**

28.
  - **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**

29. 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.
30. 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**

31. Members determine the application.

### **Contact Details**

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**Chief Officer Responsible for the report:**

Andy Hudson  
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 Neighbourhood Services (Neighbourhoods)

**Report Approved**  **Date** 6 October 2006

### **Specialist Implications Officer(s)**

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

**Wards Affected:** Rural West York

**For further information please contact the author of the report**

### **Annexes:**

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