

Report from the Director – Environment, Transport & Planning

Section 100 Licensing Act 2003, The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016 and the Police Reform and Social Responsibility Act 2011:

Submission of a Temporary Event Notice (TEN) for 103 Micklegate, York, YO1 6LB.

Summary

1. This report seeks Members determination of a Temporary Event Notice (TEN) submitted under the Licensing Act 2003 to authorise the sale by retail of alcohol for a two day event scheduled to take place on 12 & 13 February 2023.
2. Reference number: 020329
3. Name of premises user: Andrew Robert Spark
4. Type of authorisation applied for: Temporary Event Notice
5. Summary of application: The nature of the TEN is to allow for the sale by retail of alcohol in a public House for a live sporting event (Superbowl). The event is scheduled to take place in The Priory Public House, 103 Micklegate in York on 12 & 13 February 2023 from 23.30 hours until at 04.30 hours for an occupancy of 75 people. These timings are outside the existing premises licence permitted licensable hours which terminates at 01.00 hours.

Background

6. A TEN authorises the provision of licensable activities on a temporary basis without the need for a premises licence or club premises certificate. A TEN is submitted by a 'premises user' who is an individual aged over 18 years. A TEN is subject to various restrictions, one of which includes limiting the maximum number of people attending the event at any one time to less than 499.
7. The police and environmental protection officers (EPU) can object to a TEN on the grounds that it would undermine any of the four licensing objectives;
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
8. As a result of an objection conditions from an existing premises licence can be attached to the TEN.
9. A copy of the TEN is attached at Annex 1.
10. A copy of the existing premises licence is attached at Annex 2.

Promotion of Licensing Objectives

11. There is no requirement for a premises user to indicate how the licensing objectives will be met and there is no provision on the TEN application form to allow for this information to be entered.

Special Policy Consideration

12. This premises is located within the special policy area.

Consultation

13. Consultation was carried out by the premises user in accordance with S100 Licensing Act 2003 and The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 as amended by The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012. The premises user complied with all statutory requirements.

14. All procedural aspects concerning the submission of the TENs and the submission of the notices of objection have been complied with.

Summary of Objections

15. An objection to the TEN has been received from North Yorkshire Police on the grounds the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives will be undermined if the event is to take place. A copy of the objection is attached at Annex 3.

Options

16. By virtue of s106 of the Act, the Committee have the following options available to them in making their decision: -
17. Option 1: Modify the terms of the TEN.
18. Option 2: Issue a counter notice refusing authorisation of the TEN.
19. Option 3: Choose not to issue a counter notice

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 the premises user or the objector.
22. Option 2: This decision could be appealed at Magistrates Court by the premises user.
23. Option 3: This decision could be appealed at Magistrates Court by the objector.

Council Plan

24. 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.
25. 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

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 objectors.
 - **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

26. 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.
27. 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

28. Members determine the application.
Reason: To address the objections 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:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**

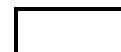


Date 8.12.2022

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 - Copy of TEN

Annex 2 - Copy of Premises Licence

Annex 3 – NYP Objection

Annex 4 – Legislation and Policy