
Licensing Act 2003 Sub Committee

2 November 2023

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Bison Coffee Bar, 17 Heslington Road, York, YO10 5AR

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 - 074343
3. Name of applicant: Nicholas Charles West
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 at a coffee shop/café.

Proposed Activity	Timings
Supply of Alcohol – Both on and off the premises	10:00 – 23:00 Everyday
Opening hours	09:00 – 23:00 Everyday

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.
7. The premises is described in the application as two downstairs rooms and one upstairs room, with a outside seating to the front and a rear patio area. Off sales to be consumed in the two external areas.

8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

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

General

10. Ensure the licensing objectives are displayed for all staff to see and that they know and understand them.

11. The Prevention of Crime and Disorder

- a) Create a friendly atmosphere by always demonstrating good conduct and core values.
- b) Spotting antisocial behaviour quickly and dealing with it discreetly.
- c) Understanding and identifying when it is an appropriate time to act upon or report undesirable or illegal behaviour.
- d) Ensuring staff are trained in company expectations for conduct, and that any antisocial behaviour is dealt with and reported to the manager.

12. Public Safety

- a) To ensure that Bison café bar is a safe space for all customers, and that they feel comfortable. Staff should ensure customer safety is the first priority.
- b) Display 'Ask for Angela' posters in the toilet and ensure staff are trained to respond to consequential requests.
- c) To remove any hazards which may be a risk to the public.
- d) To ensure safety precautions are taken prior to all daily activities and business operations.
- e) To make sure safety equipment and supplies are available and that all staff understand how to access and use them.
- f) To ensure staff are always working in a safe and cautious manner and understand the potential dangers in the café.
- g) Staff must report to the management any public safety issues which may arise during trading hours.

13. The Prevention of Public Nuisance

- a) All staff must be confident with engaging with the public and be able to either deal with personally or report to the management at evidence of public nuisance.
- b) When serving customers, it is ultimately the manager's responsibility to judge whether the customer can be served.
- c) Anyone causing public nuisance on the premises or in designated outdoor areas will be asked to leave the premises. If this fails, the person causing the nuisance should be warned that the police will be called if they do not cease their behaviour.

14. The Protection of Children from Harm

- a) When selling alcohol, use the 'Challenge 25' initiative and ask for photo ID where appropriate.
- b) Decline to serve anyone who cannot produce evidence of genuine ID.
- c) Display 'Challenge 25' posters.

Special Policy Consideration

- 15. This premises is not located within the cumulative impact area.

Consultation

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

Summary of Representations made by Responsible Authorities

- 18. North Yorkshire Police made representation on the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule. The agreed conditions can be found at Annex 3. Therefore, North Yorkshire Police have withdrawn their representation.

Summary of Representations made by Other Parties

19. There has been one relevant representation received from another person. These details are attached at Annex 4.
20. The representation is predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder objectives. They state that these objectives will be undermined if the application is granted.
21. A copy of all the representation is attached at Annex 5.
22. A map showing the general area around the venue is attached at Annex 6.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

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: Refuse to specify a person on the licence as premises supervisor.
29. Option 5: Reject the application.

Analysis

30. The following could be the result of any decision made this Sub Committee: -
31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.
35. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

36. 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.
37. 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 residents and businesses. The functions support the Council's Plan 'One City, for all'.

Implications

38.
 - **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

39. 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.
40. 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

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

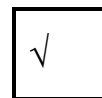
Contact Details

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**Report
Approved**

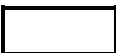


Date

13/10/23

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Fishergate Ward



For further information please contact the author of the report

Background Papers:

Annex 1 - Application form and Plan;

Annex 2 - Overview of Circumstances in which Entertainment Activities are not Licensable;

Annex 3 - Condition agreed with North Yorkshire Police;

Annex 4 - List of Representors (**Confidential**);

Annex 5 – Representations;

Annex 6 - Map of area;

Annex 7 - Mandatory Conditions;

Annex 8 - Legislation and policy.