
Licensing Act 2003 Sub Committee

5 April 2018

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Eastfield Showfield, Eastfield Lane, Dunnington, York, YO19 5ND

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-060438
3. Name of applicant: Dunnington Community Events
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 licensable activities:

Proposed Activity	Timings
Plays (indoors & outdoors)	Friday to Sunday 10:00 – 23:00
Films (indoors & outdoors)	Friday to Sunday 10:00 – 23:00
Boxing or wrestling (indoors)	Friday to Sunday 10:00 – 23:00
Live music (indoors & outdoors)	Friday to Sunday 09:00 – 23:00
Recorded Music (indoors & outdoors)	Friday to Sunday 09:00 – 23:00
Performances of Dance (indoors & outdoors)	Friday to Sunday 09:00 – 23:00
Opening times	Unrestricted

Background

6. A copy of the application is attached at Annex 1. A copy of the plan of the premises is attached at Annex 2.

Promotion of Licensing Objectives

7. The operating schedule showing how the applicant will address the four licensing objectives as follows:

General

- 1) Dedicated event safety officer.
- 2) Committee members and volunteers present throughout events.
- 3) Full risk assessment and site plan.

Prevention of Crime and Disorder

- 4) Licensed security.

Public Safety

- 5) Barriers.
- 6) Licensed security.
- 7) Volunteers / marshalls.

Prevention of Public Nuisance

- 8) Car parking marshalls in dedicated car parks.
- 9) Regular security patrols.

Protection of Children from Harm

- 10) Lost children area.
- 11) Visible stewards.

Special Policy Consideration

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

Consultation

9. 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.
10. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

11. North Yorkshire Police made a representation to the application but withdrew it when the applicant agreed to the following conditions being attached to the premises licence if granted:
 - 1) The York Safety Advisory Group will be presented with the Events Safety Manual, full risk assessment, Public Liability Certification and Safety Certification where the expected attendance is above 499 people and / or significant demountable structures or road closures are proposed no later than 3 months prior to the event.
 - 2) A scale plan showing the layout of the event, to include fire exits, shall be submitted to the Safety Advisory Group 3 months prior to the event.
 - 3) There shall be a litter pick of the area upon the conclusion of the event (or daily conclusion should the event be held over a number of days) with particular emphasis on any glass items that have been brought onto site by customers.
 - 4) All necessary steps shall be taken to ensure that all supervisory staff in sole charge of children and young people are Disclosure and Barring Service (DBS) checked by the licence holder.
 - 5) There shall be no more than 6 events totalling no more than 18 days in any 12 month period.

- 6) Prior to holding any event the fire authority should be notified in good time of the activities and layout which are to be held so they can make suitable observations and recommendations to ensure that fire safety measures are appropriate in the circumstances having assessed the risk to the public and the adequacy of the existing fire precautions.
- 7) A dispersal policy appropriate to the site will be agreed with the Licensing Authority.
- 8) A minimum of 2 SIA registered door supervisors will be on duty at the premises to cover an occupancy of up to 500 customers throughout trading hours when licensable activities are taking place and the premises is open to the public, and an additional SIA registered door supervisor will be employed per 100 customers (or part of) thereafter.
- 9) The need for SIA registered door staff shall be determined in accordance with a risk assessment with specific consideration given to boxing and wrestling events, the risk assessments shall be carried out by the premises licence holder. When employed door staff will wear high visibility armbands.
- 10) An adequate number of stewards shall be on duty when licensable activities are taking place and the premises is open to the public which specific consideration given to boxing and wrestling events.

Boxing / Wrestling Events only

- 11) A qualified first aider shall be present throughout any sporting entertainment involving boxing and wrestling.
- 12) Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.
- 13) The seating layout shall be agreed with the appropriate authorities.
- 14) All drinks shall be served in non-glass vessels only. For glass bottled drinks, the drink is to be decanted into non-glass vessels.

12. The agreement is attached at Annex 3.
13. City of York Council Public Protection (Environmental Protection) made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence were to be granted in the terms applied for. Public Protection withdrew the representation after mediation with the applicant who agreed to the following conditions being attached to the licence if granted:
 - 1) A detailed plan showing the exact layout of the site and proposed sound monitoring locations shall be sent to the City of York Council's Public Protection Environmental Protection and Licensing Authority at least 28 days before an event. The plan shall include a sample of a leaflet to be delivered to residential properties within the vicinity of the event giving details of the event and a list of the addresses which will receive the leaflet.
 - 2) Generators shall be placed away from residential properties and if possible behind a building or screen.
 - 3) The quietest generators available shall be used.
 - 4) Before the event a designated complaints phone shall be set to vibrate and the complaint hotline number tested to make sure it is working.
14. The Public Protection representation and agreement is attached at Annex 4.

Summary of Representations made by Other Parties

15. Representations have been received from 72 residents on the grounds that all four of the licensing objectives will be undermined but in particular in relation to the prevention of public nuisance licensing objective. A list of representors is attached at Annex 5. Copies of the representations are attached at Annex 6.
16. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

17. There are no planning issues.

Options

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

Analysis

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

Council Plan

28. 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.
29. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

30.

- **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

31. 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.
32. 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

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

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and
Public Protection.

**Report
Approved**

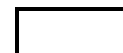


Date 13/03/2018

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Osbaldwick & Derwent



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - North Yorkshire Police agreed conditions
- Annex 4** - Public Protection agreed conditions
- Annex 5** - List of Other Representors
- Annex 6** - Copy of representations
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations