
Licensing Act 2003 Sub Committee

29 April 2009

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Pizza Time, 193 Burton Stone Lane, York, YO30 6DG

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-016859
3. Name of applicant: Mr Ahmet Caglar.
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The nature of the application is to allow for the provision of late night refreshment between 23:00 hours and 00:30 hours, seven days a week.

Background

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

Promotion Of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. The prevention of crime and disorder: 1) CCTV in operation.
9. Public safety: as above.
10. The prevention of public nuisance: as above.
11. The protection of children from harm: 1) No children allowed on the premises without family accompaniment.

Special Policy Consideration

12. This premise is not located within the Special Policy area.

Consultation

13. 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.
14. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

15. City of York Council Environmental Protection Unit: Make representations on the grounds of prevention of public nuisance. A copy of the representation is attached at Annex 2
16. City of York Council Development Control: Make representations on the grounds of prevention of public nuisance. A copy of the representation is attached at Annex 2.
17. A representation was received from North Yorkshire Police on the grounds of crime and disorder and public nuisance which was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted:
 1. CCTV will be installed to cover the premises and will include all areas to where the public have access. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced in Court or other such Hearing. Copies of the recordings will be kept available for any Responsible Authority for 14 days.
 2. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
 3. The venue shall not open or operate (other than by way of Temporary Event Notice) earlier or later than the times listed in Part 1 of the premises licence (i.e. the opening hours of the premises)
 4. Upon closing the premises at the conclusion of business, staff will undertake a general litter pick up and tidy of the general area of the premises.
 5. Unaccompanied children (i.e. persons under the age of 18 years) shall not be allowed on the premises unless accompanied by a person over the age of 18 years.

Summary of Representations made by Interested Parties

18. A representation was received from an interested party on the grounds of public nuisance. A copy of this representation is attached at Annex 3.
19. A map showing the general area around the venue from which the representation is focused is attached at Annex 4.
20. 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.
21. 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.

Planning Issues

22. Planning permission for change of use from a shop to a hot food takeaway was granted in September 2008 subject to a condition restricting the opening hours from 16:00 hours to 23:00 hours. Paragraph 16 above refers to a representation from Development Control.

Options

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

Analysis

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

31. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
32. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Strategy

33. 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.
34. The promotion of the licensing objectives will support the Council's strategy to make York a safer city with low crime rates and high opinions of the city's safety record.

Implications

35.
 - **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

36. 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.
37. 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

38. 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 15 April 2010

Specialist Implications Officer(s)

Head of Legal & Democratic Legal Services

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Wards Affected: Clifton

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of representations from Responsible Authorities
- Annex 3** - Copy of representation from Interested Party
- Annex 4** - Map showing general area from which representation received.
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations.