
Licensing Act 2003 Sub Committee

28 February 2007

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Revolution (formerly Bar 38), Coney Street, York, YO1 9QL

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-012627.
3. Name of applicant: Inventive Leisure Services Ltd.
4. Type of authorisation applied for: Grant of a premise licence.
5. Summary of application: The nature of the application is to authorise the supply of alcohol, provision of regulated entertainment consisting of films, live and recorded music and dancing, provision of entertainment facilities and provision of late night refreshment.

Background

6. A copy of the application is attached at Annex 1. Hours of operation applied for are tabled and attached at Annex 2.
7. The premises previously operated as Bar 38 and a copy of the existing licence as held by TCG Acquisitions Ltd is attached at Annex 3.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. General: 1) The licence holder shall ensure prompt compliance with any written report received from the City Council. 2) The licence holder shall ensure prompt compliance with any written report received from North Yorkshire Fire and Rescue Service.
10. The prevention of crime and disorder: 1) When door staff are used they shall be SIA approved and operate in accordance with security industry guidelines.

- 2) A zero tolerance towards illegal drugs will be enforced at all times. 3) All instances of crime and disorder will be reported to the police and will be kept in an incident log book. 4) If the premises open past 02:00 hours door supervisors shall be employed.
11. Public safety: 1) A health and safety policy is in place. 2) The policy is fully briefed to all management and staff. Continued training of staff is undertaken to the standards required by relevant legislation. 3) Free drinking water will be available at all times.
 12. The prevention of public nuisance: 1) There shall be no external speakers. 2) All external doors to the riverside of the premises shall be closed at 21:00 hours. 3) The main entrance doors will be kept closed at all times and used only for ingress and egress. 4) If a DJ is used on any night they will ask customers to leave quietly. 5) Notices are displayed at exits asking customers to respect neighbours when leaving the premises. 6) No noise nuisance is to be caused by noise emanating from the premises. 7) No sound reproduction or amplification equipment (mechanical or electrical) shall be used in, or adjacent to any part of the building at any time for the purpose of external use. 8) All doors and windows shall be closed after 23:00 hours when regulated entertainment is taking place. 9) The use of the beer garden shall be restricted to 23:00 hours Monday to Sunday.
 13. The protection of children from harm: 1) When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.

Special Policy Consideration

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

Consultation

15. 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.
16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

17. North Yorkshire Police withdrew the representation they had made on the grounds of the crime and disorder licensing objective when the applicant agreed to the following condition being attached to the licence; "A comprehensive CCTV system will be installed and fully maintained and operated in accordance with the Company's Operating Plan."

18. North Yorkshire Fire and Rescue Service withdrew the representation they had made on the grounds of the public safety licensing objective when the applicant agreed to the following condition being attached to the licence; “The occupancy should not exceed: Ground Floor 300 persons, First Floor 100 persons.”

Summary of Representations made by Interested Parties

19. A representation has been received from an interested party, a copy of which 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. A relative planning application (ref 06/2789/ful) was received on 15 December 2006 and was approved at planning committee. The following conditions were attached; 1) The hours of operation of the premises shall be confined to 09:00 to 02:00 (the following day) on Mondays to Wednesdays and 09:00 to 03:00 on Thursdays to Sunday. 2) Music emanating from the premises shall be inaudible at the nearest noise sensitive facade and no external speakers shall be mounted outside the premises.
23. A further planning application for the outdoor seating area (06/2788) will be determined by the planning committee on 15 February 2007.

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: Reject the application.

Analysis

29. The following could be the result of any decision made this Sub Committee:-
30. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
31. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
32. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

34. 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.
35. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

36.
 - **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

37. 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.
38. 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

39. Members determine the application.

Contact Details

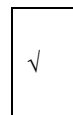
Author:

John Lacy
Acting Licensing Manager

Chief Officer Responsible for the report:

Richard Haswell
Head of Licensing & Regulation

Licensing & Regulation
Tel: 551593

Report Approved**Date** 14 February 2007**Specialist Implications Officer(s)**

Suzan Hemingway
Head of Legal & Democratic Services
Civic Democratic & Legal Services
Tel: 551004

Wards Affected: Guildhall West

For further information please contact the author of the report

Background Papers: None

Annexes

- Annex 1** - Copy of application form
- Annex 2** - Table of hours applied for
- Annex 3** - Copy of existing licence for Bar 38
- Annex 4** - Copy of representation from interested party
- Annex 5** - Map of area showing address of interested party in relation to Revolution
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations
- Annexes 8 & 9** - Proposed ground and first floor plans (full size copies will be available at the meeting)