

Licensing Hearing

To: Councillors Alexander (Chair), Ayre and Wiseman (Vice-Chair)

Date: Monday, 1 December 2008

Time: 10.00 am

Venue: The Guildhall

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Minutes

To approve and sign the minutes of Licensing Hearing(s) held on Thursday 18 September and Monday 22 September 2008.

5. **The Determination of an Application by St. Peters School for the Variation of a Premises Licence Section35(3)(a) in respect of St. Peters School, Clifton, York, YO30 6AB. (CYC-009440)**

If you require any further information, please contact Laura Bootland on Tel 01904 552062 or Fax 01904 551035 or email laura.bootland@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee
Licensing Officer
Legal Services
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Press, Libraries, Council Receptions



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*],

welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case *[maximum 15 minutes]*.
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
 - paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
 - paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers

will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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- Applicant
- Representors & the relevant Responsible Authorities

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City of York Council

Committee Minutes

MEETING	LICENSING HEARING
DATE	18 SEPTEMBER 2008
PRESENT	COUNCILLORS AYRE, HORTON AND HYMAN

1. CHAIR

RESOLVED: That Councillor Horton be elected as Chair of the Meeting.

2. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

3. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded prior to consideration of the personal data contained in annexes 5 and 7 to agenda item 5 as provided by the Data Protection Act 1998.

4. THE DETERMINATION OF AN APPLICATION BY MR. MARC ALLINSON FOR THE VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF THE ARTFUL DODGER, 47-49 MICKLEGATE, YORK, YO1 6LJ. (CYC-009017)

Members considered an application by Mr. Marc Allinson for the Variation of a Premises Licence in respect of The Artful Dodger, 47-49 Micklegate, York, YO1 6LJ.

In coming to their decision the Sub-Committee took into consideration all the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives; public safety, the prevention of crime and disorder, and the prevention of public nuisance.

1. The application form in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officers report and his comments made at the hearing, including the fact that the premises was a

3. The Applicants representations at the Hearing, including the fact that to date there had been few reported complaints against the premises relating to public nuisance issues. It was stated that the premises was not to be run as a nightclub but rather a late night venue where people can relax.
4. Representations made at the hearing by City of York Councils Environmental Protection Unit who raised concerns regarding the issue of noise from the outside drinking area and noise as a result of live music. Representations were also heard from the owner of the neighbouring premises who raised concerns regarding the issue of public safety as a result of the outside drinking area of the premises being a thoroughfare to his car park.
5. Written representations made during the consultation period.

Members were presented with the following options

- Option 1** Grant the variation of the licence in the terms applied for.
- Option 2** Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
- Option 3** Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4** Reject the application.

RESOLVED: That in line with Option 2 the licence variation be granted.

The Sub-Committee then imposed the following conditions:

- 1) CCTV will be installed to cover all licensed areas. It will be maintained Working and recording at all times that the premises are open. Copies of the recordings will be kept available for any Responsible Authority for 7 days.
- 2) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- 3) One pint capacity, half pint capacity and highball tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the vent of breakage, the glass will fragment and no sharp edges are left.

- 4) Drinking glasses of any type shall not be allowed to enter or leave the venues licensed area whilst under the customers care.
- 5) All off sales shall be made in sealed containers
- 6) Documented staff training will be given regarding the retail of alcohol and such records will be kept accordingly.
- 7) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
- 8) A Refusals Register and an incident Report Register will be kept. Such documents will record incidents of staff refusals to under age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon request from any Responsible Authority.
- 9) 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.
- 10) The premises shall partake in the York Pub Watch Pager scheme.
- 11) There shall be no admission to members of the public between 02:00 hours and 08:00 hours. Admission during this time will be to Members only.
- 12) Members will be in possession of a full valid membership card which they must have held for at least 48 hours. Full details (name, address, contact number and date of birth) of current members will be kept and available for examination by any responsible Authority.
- 13) Members may sign in up to 2 guests. The maximum number of guests allowed at the venue at any one time will be 20. Details of all guests at the venue will be recorded and available for examination by any responsible Authority.
- 14) The exception to condition 11 will be for live televised sporting events or pre-booked private parties, details of which the police will be notified of in writing giving at least 7 clear days.
- 15) The date of notification and date of event shall not be included in calculating the 7 clear days notification period.

- 16) With reference to 02:00 in these conditions, on the days when the clocks go forward, at the start of British Summertime, the relevant time will be 03:00.
- 17) An adequate number of Door Supervisors will be deployed at the venue from 21:00 until the venue closes for business on Friday, Saturday, Race days and the Sunday before a Bank Holiday Monday.
- 18) The footprint of outside licensed areas shall be clearly marked and defined.
- 19) There shall be no more than 20 people allowed in the outside licensed area at any one time.
- 20) There shall be no sales of alcohol made in the outside licensed area.
- 21) There shall be no sales of late Night Refreshment in the outside licensed area.
- 22) There shall be no use of outdoor furniture (ie tables and chairs) in the outside licensed area.
- 23) There shall be no consumption of alcohol allowed in the outside area between 02:00 and 10:00 hours.
- 24) Live Music, Recorded Music, and the Making of Music shall cease at 02:00 on each and every day.
- 25) Accept the following condition as agreed with North Yorkshire Fire and rescue:

The occupancy figures for the first floor should not exceed 60 persons. (The existing condition stating the maximum occupancy for the premises shall not exceed 100 persons shall also remain on the licence).
- 26) Mandatory Conditions 19, 20, 21 and 22 shall apply.

All conditions offered by the Applicant in the application, including the operating schedule for variation of the premises licence under the Licensing Act 2003, shall be included in the licence unless contradictory to the above conditions.

REASON: To address the representations made in respect of public safety the prevention of crime and disorder, and the prevention of public nuisance.

Councillor Horton, Chair

[The meeting started at 10.07 am and finished at 11.20 am].

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MEETING

LICENSING HEARING

DATE

22 SEPTEMBER 2008

PRESENT

COUNCILLORS HORTON, MOORE AND
RUNCIMAN**5. CHAIR**

RESOLVED That Councillor Horton be elected as Chair of the meeting.

6. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

7. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded prior to consideration of the personal data contained in annexes 3 & 5 to Agenda Item 5 as provided by the Data Protection Act 1998.

8. THE DETERMINATION OF AN APPLICATION BY PC952 MICK WILKINSON FOR A REVIEW OF A PREMISES LICENCE [SECTION 52(2)] IN RESPECT OF THE JUNCTION, LEEMAN ROAD, YORK. (CYC-008929)

Members considered an application by PC Mick Wilkinson for a review of a premises licence in respect of The Junction, Leeman Road, York.

In coming to their decision, the Sub-Committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; public safety, prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm.

- 1) The application form, in particular the existing licensing conditions and the steps taken by the applicant to promote the four licensing objectives.
- 2) The Licensing Officers report and his comments made at the hearing.
- 3) The applicants representations at the hearing including the fact that North Yorkshire Police have dealt with a high

number of incidents in the past 12 months including 3 more since the review was called.

- 4) The representations of the holder of the premises licence, including the fact that the premises supervisor did not contest that any of the incidents reported to the Police had taken place and acknowledged that changes needed to be implemented to allow the premises to run in an orderly manner. It was stated that this review had been taken seriously and that any conditions placed on the licence would be acted upon in order to improve the situation.
- 5) Written representations made during the consultation period.

Members were presented with the following options:

- Option 1** To modify the conditions of the licence.
- Option 2** To exclude any licensable activity from the scope of the licence
- Option 3** To remove the designated premises supervisor
- Option 4** To suspend the licence for a period not exceeding 3 months
- Option 5** To revoke the licence.

RESOLVED: Members decided to modify the licence (in line with Option 1) and added the following conditions:

- 1) At all times that the venue operates after 19:00 there shall be a personal licence holder at the premises until the venue closes.
- 2) CCTV will be installed to cover the premises. It will be maintained and 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 recordings will be kept available for any responsible authority for 14 days.
- 3) The Challenge 21 procedure shall be actively used. The only acceptable proof of age identification being a current passport, photo card driving licence or identification carrying the PASS logo.
- 4) On nights when live music is being provided, such identification checks will take place on entrance prior to entry. Persons who produce such identification and are over the age of eighteen years will then be required to

wear an identifiable, non removable wrist band for use inside the premises.

- 5) Should a part of the premises operate an underage night aimed at persons under the age of eighteen years, alcohol will not be served to anyone or consumed by anyone whether persons over the age of eighteen years are allowed or not.
- 6) At anytime when live music is played at the venue there shall be no less than 3 door supervisors present until close of business unless there is written agreement from North Yorkshire Police to the contrary. Door supervisors will be provided until the venue closes. If the venue chooses to open earlier than such a time when the amplified music starts then door supervisors will be deployed at the venue no later than 19:00 or earlier if the live music starts earlier than 19:00.
- 7) When deployed, door supervisors will wear high visibility tabards or coats and their SIA Licences will be displayed in high visibility armbands.
- 8) Documented records will be kept of all door supervisors deployed. These records will be available upon request and will include the following detail:
 - i. Full SIA Licence number of each door supervisor deployed
 - ii. Full name and date of birth of each door supervisor deployed
 - iii. Full details of the security company providing the door supervisors.
 - iv. The times the door supervisors were deployed
- 9) The management of the venue will comply with any written reasonable and justified request made by North Yorkshire Police regarding the provision of door supervisors at other times should the need arise
- 10) Live music shall only be held on Friday, Saturday and Sunday evenings and the evening preceding a Bank Holiday (in the event a statutory bank holiday falls on a Tuesday).
- 11) The venue will close for business at Midnight on nights when live music is operated.
- 12) The exceptions to 10 and 11 shall be New Years Eve when live music shall only be licensed to 01:00 on New

Years Day. Normal New Years Eve licensed opening hours apply.

- 13) Documented patrols by members of staff shall be undertaken at no less than hourly intervals outside the premises to check for noise issues and any other issues associated with customers standing outside the venue.
- 14) In the function room, one pint capacity, half pint capacity and high ball tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage the glass will fragment and no sharp edges are left.
- 15) Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
- 16) Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of such training shall be kept for 3 years.
- 17) The venue shall operate a random (at least 1 in 30) search policy for patrons using the function room (whether for live music or not). Notices should be displayed informing patrons of this fact.
- 18) Documented records shall be made of the searches undertaken.
- 19) A refusals register and incident report register will be kept. Such documents will record incidents of staff refusals to underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon reasonable request from any responsible authority.
- 20) Prominent clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- 21) Mandatory condition 21 shall apply.

REASON: To address the representations made in respect of public safety, prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

Councillor Horton, Chair

[The meeting started at 10.00 am and finished at 11.55 am].

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Licensing Act 2003 Sub Committee**1 December 2008**

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for St. Peter's School, Clifton, York YO30 6AB**Summary**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009440.
3. Name of applicant: St. Peter's School.
4. Type of authorisation applied for: Variation of existing premises licence.
5. Summary of application: The nature of the application is to increase the licensed area of the premises by incorporating the Shepherd Hall located on the lower school campus (known as St Olave's). The provisions and timings of the current premises licence remain unaltered.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that, in addition to existing conditions attached to the current licence, the licensing objectives would be met by varying one of the conditions as follows:
9. The prevention of public nuisance: 12) Car parking during evening and weekends shall be on the upper campus only. Access via Clifton only.

Special Policy Consideration

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

Consultation

11. 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.
12. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

13. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety which was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted:
 1. The occupancy of the auditorium shall be as follows
With the retractable seating opened out the occupancy shall not exceed 212 persons standing and 162 persons seated.
With the retractable seating pushed back the occupancy shall not exceed 374 persons standing.

Summary of Representations made by Interested Parties

14. A representation was received from an interested party on the grounds of prevention of public nuisance. A copy of this representation is attached at Annex 3.
15. The location of the residential property owned by the interested party in relation to the premises subject to this application is shown on the map attached at Annex 4.
16. 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.
17. 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

18. There are no planning issues or conditions relevant to this application.

Options

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

Analysis

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

Corporate Priorities

29. 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.
30. 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

31.

- **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

32. 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.
33. 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

34. 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:

Andy Hudson
Assistant Director
Neighbourhood Services

Ext: 1814

Report Approved



Date 17 November 2008

Specialist Implications Officer(s):

Quentin Baker
Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Clifton

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application form
- Annex 3** - Copy of representation from Interested party
- Annex 4** - Map of area indicating location of residential property owned by interested party in relation to premises subject of application
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations

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