

Licensing/Gambling Hearing

To: Councillors Moore, Pierce and Wiseman
Date: Thursday, 12 November 2009
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 Hearings held on 14 September 2009 and 1st October 2009.

5. The Determination of an Application by Sainsbury's Supermarkets to Vary a Premises Licence Section 35(3)(a) in respect of Sainsbury's, 17 Beckfield Lane, York, YO26 5PN. (CYC-009512)

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
Applicant
Representors
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.

This page is intentionally left blank

About City of York Council Meetings

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অধিকার তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to; and
- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities

This page is intentionally left blank

City of York Council

Committee Minutes

MEETING	LICENSING HEARING
DATE	14 SEPTEMBER 2009
PRESENT	COUNCILLORS HYMAN, MERRETT AND REID

1. CHAIR

RESOLVED: That Councillor Merret 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.

Councillor Merrett declared a personal non prejudicial interest as he is acquainted with the representor Frank Paterson from 30 years ago and through being Chair of a planning committee.

Councillor Reid declared a personal non prejudicial interest as she has also been acquainted with Frank Paterson through planning matters.

3. MINUTES

The chair requested that the minutes of the Licensing Hearing held on 20 August be brought to a future hearing when one of the Members present on the 20th will be in attendance to sign and agree them as a correct record.

4. THE DETERMINATION OF AN APPLICATION BY ASKHAM BRYAN COLLEGE FOR THE VARIATION OF A PREMISES LICENCE SECTION 35 (3)(A) IN RESPECT OF ASKHAM BRYAN COLLEGE, ASKHAM BRYAN, YORK, YO23 3FR. (CYC-009442)

Members considered an application by Askham Bryan College for the variation of a premises licence for the College.

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. The following were taken into account:

- 1) The application form, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
- 2) The Licensing Officers report and his comments, including the fact the premises has been licensed since the early 90s and can open until 23.00 under grandfather rights. The College did not apply for a variation when the Licensing Act came into force and has relied on temporary events notices.
- 3) The applicants representations at the hearing including the fact that the licensee lives on site and promotes good behaviour amongst students. It was explained that the variation would be to enable events such as conferences and weddings to take place without the college applying for temporary events notices and the student bar opening hours would not be extended.
- 4) The representations made by the Parish Council both in writing and at the hearing, in particular concerns regarding the possible increase in traffic to and from the site and the possible increase in traffic late at night.
- 5) Written representations from local residents.

Members were presented with the following options:

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

Members chose Option 2 and added the following conditions:

- 1) All licensable activities shall cease at 1.30am and the premises shall close at 2am.
- 2) The extension for the sale of alcohol shall not apply to student bar facilities in use during term time.
- 3) The erection of any marquee shall be confined to the land at the rear of the sports hall only.
- 4) Mandatory Conditions 19,20,21 and 22 shall apply.

Members then made the following comments:

- Condition 3 does not preclude the College from continuing to apply for temporary events notices to hold events in other locations.
- Residents should be aware that there is a complaints procedure and that the licence can be subject to a review if necessary.

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

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.10 am and finished at 11.40 am].

This page is intentionally left blank

MEETING	LICENSING HEARING
DATE	1 OCTOBER 2009
PRESENT	COUNCILLORS MERRETT, MOORE AND WISEMAN

1. CHAIR

RESOLVED: That Councillor Moore 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. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 20 August be signed and approved as a correct record by the Chair.

4. THE DETERMINATION OF AN APPLICATION BY SAINSBURY'S SUPERMARKETS LTD FOR THE VARIATION OF A PREMISES LICENSE SECTION 35(3)(A) IN RESPECT OF SAINSBURY'S, 8-10 FARNDALE AVENUE, OSBALDWICK, YORK. (CYC-009498)

Members considered an application by Sainsbury's Supermarkets Limited for a variation of a premises licence in respect of Sainsbury's, 8-10 Farndale Avenue, Osbaldwick, 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; the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.

1. The Licensing Officers report and his comments made at the hearing, including the fact that in his view the notice was displayed correctly. He advised that the application is to remove existing Jackson's conditions and to bring in Sainsbury's company wide conditions.

2. The applicants representations at the hearing including the fact that the premises already has a licence to sell alcohol until 11pm and is only asking for 2 extra hours, one in the morning and another at night to take the licence to sell alcohol to 6am to midnight. It was stated that these two extra hours were unlikely to impact on the licensing objectives. It was reiterated that the store would not be opening 24 hours a day. The applicant accepted that the premises is in a quiet area, however the store manager who was also present, advised that apart from the problem of deliveries at unsociable times which had been addressed, there had, in his opinion, been no other problems with noise or anti social behaviour.
3. Representations made by local residents and the Parish Council both in writing and at the hearing. They felt that the application was out of keeping with a store in such a quiet area and that considerable nuisance is caused by cars driving to the store and people eating and drinking on the forecourt. They raised the issue of light emanating from the premises and advised that at present the nearest neighbours of the store only have 8 hours respite from the noise and light nuisances when the store is closed.
4. Written representations made by City of York Council's Environmental Protection Unit in writing and at the hearing. They advised that whilst no complaints had been received regarding patrons of the store causing noise nuisance, they were concerned at the potential for people to gather outside late at night and recommended a condition addressing the problem.

Members were presented with the following options:

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

The Sub-Committee chose **Option 2** and imposed the following conditions:

- 1.The sale of alcohol shall take place between 06:00 and Midnight on each and every day.
- 2.Late night refreshment shall take place between 23:00 and midnight on each and every day.
- 3.Hours of opening: 24 hours daily
- 4.No provision of tables and chairs shall be made outdoors of the premises for the consumption of refreshments or beverages.

The following conditions from the previous licence shall remain:

5. All staff receive induction and update training on a retailers responsibilities in respect of the sale of alcohol.
6. Tills are installed at the premises which identify age restricted products which prompt the operator.
7. The store maintains a refusals log, refusals of sales on age restricted products and those suspected of being underage to be logged.
8. The premise operates an 'under 21 rule' whereby there is a standing instruction to staff members that a customer who appears to be below the age of 21 is required to be challenged to produce proof of age, in the form of a photo card driving licence, passport or identification carrying the PASS logo.
9. Signage explaining the law relating to the sale of age restricted products is prominently displayed on the premises.
10. An external litter bin is provided at the premise, the external vicinity of the is inspected daily and swept as required.
11. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. It will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed subject to compliance with data protection legislation, with the police from time to time. The system will display on any recording the correct time and date of the recording. A system will be in place to maintain the quality of the recorded image.
12. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed on request, to the licensing authority and the police.
13. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
14. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
15. Mandatory condition 19 shall apply.

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

REASON: To address the representations made.

Councillor Moore, Chair

[The meeting started at 11.00 am and finished at 12.30 pm].



Licensing Act 2003 Sub Committee**12 November 2009**

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for Sainsbury's, 17 Beckfield Lane, York YO26 5PN**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-009512
3. Name of applicant: Sainsbury's Supermarkets Ltd
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is to extend the existing hours for the sale of alcohol, so as to start at 06:00 hours and end at 24:00 hours every day and to include the provision of late night refreshment until 24:00 hours. Opening hours shall be up to 24 hours a day. The applicant also wishes to remove the conditions in Annex 2 of the premises licence and replace them with conditions shown in the Promotion of Licensing Objectives.

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 the licensing objectives would be met as follows:
9. The prevention of crime and disorder: 1.) A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. 2.) The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with data protection legislation, with the police from time to time. 3.) The system will incorporate a recording facility and

any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with data protection legislation, to the police for inspection on request. 4.) The system will display on any recording the correct time and date of the recording. 5.) A system will be in place to maintain the quality of the recorded image.

10. Public Safety. 1) The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
11. Public Nuisance. 1) Signage will be displayed at the exit to the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
12. The protection of children from harm. 1) All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic, such as passport or photographic driving licence until other effective technology (e.g. thumb print or pupil recognition) is adopted by the licence holder. 2.) Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

Special Policy Consideration

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

Consultation

14. 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.
15. There was however confusion created by the display of a supplementary notice in the store's window stating that the shop would not be utilising the additional hours if granted. The notice was apparently displayed by local staff and not by Sainsbury's or their solicitors. It was the view of officers that this secondary notice created sufficient confusion that additional steps needed to be taken. It was agreed with the applicant's solicitors on 16th September that the notice period be extended for a further 28 days and the supplementary notice be removed. Officers also wrote to each of the representors and informed the relevant ward councillors.

Summary of Representations made by Responsible Authorities

16. City of York Council Environmental Protection Unit: Make representations on the grounds of prevention of public nuisance licensing objective. A copy of the representation is attached at Annex 3.

Summary of Representations made by Interested Parties

17. Representations have been received from a total of 225 interested parties shown on Annex 4 of which those listed 1–8 have submitted individual representations whilst the rest have submitted pro-formas. Their representations are attached at Annex 5.
18. The location of the residential properties owned by the interested parties in relation to the premises subject to this application is shown on the map attached at Annex 6.
19. 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.
20. 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

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

Options

22. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
23. Option 1: Grant the variation of the licence in the terms applied for.
24. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
25. 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.
26. Option 4: Reject the application.

Analysis

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

29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

32. 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.
33. The promotion of the licensing objectives will support the Council's priority to make York a safer city with low crime rates and high opinions of the city's safety record.

Implications

34.
 - **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

35. 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.

36. 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

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

Contact Details

Author:

John Lacy
Licensing Manager
Licensing & Regulation

Chief Officer Responsible for the report:

Richard Haswell
Head of Licensing
Neighbourhood Services

Ext: 1593

Ext: 1515

Report Approved



Date 27 October 2009

Specialist Implications Officer(s):

Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Acomb

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 Environmental Protection Unit
- Annex 4** - List of Interested Parties
- Annex 5** - Copy of representations from Interested Parties
- Annex 6** - Map showing general area from which representations received.
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations

This page is intentionally left blank