

Licensing Hearing

To: Councillors Gillies, Jeffries and Taylor
Date: Monday, 26 September 2011
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 the Licensing Hearing held on 30 August 2011.

5. The Determination of an Application by PC 952 Mick Wilkinson for the Review of Premises Licence Section 52(2) in respect of The Little John, Castlegate, York YO1 9RN. (CYC-009023)

If you require any further information, please contact Jill Pickering on Tel 01904 552061 or Fax 01904 551035 or email jill.pickering@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	30 AUGUST 2011
PRESENT	COUNCILLORS GILLIES, HYMAN AND WISEMAN

1. CHAIR

RESOLVED: That Councillor Gillies be elected as Chair of the meeting.

2. INTRODUCTIONS

3. DECLARATIONS OF INTEREST

At this point, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

4. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 24 January 2011 be approved and signed by the Chair as a correct record.

5. THE DETERMINATION OF AN APPLICATION BY HELEN HERATY AND JOHN EDWARDS FOR A PREMISES LICENCE SECTION 18 (3)(A) IN RESPECT OF GRAYS COURT, CHAPTER HOUSE STREET, YORK, YO1 7JH. (CYC-018630)

Members considered an application by Helen Heraty and John Edwards for a Premises Licence in respect of Grays Court, Chapter House Street, York, YO1 7JH.

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She advised that the application was for a new grant although the premises had been operating under a previous licence. The police had agreed some conditions with the applicant, as had the Environmental Protection Unit. There had been no representations from the Planning Department.
3. The representations made on your behalf at the hearing, including the fact that you had been granted a premises licence in August 2010 but the conditions and hours do not allow you to compete with similar establishments. The business had operated responsibly and the representations from residents could be addressed by the conditions put forward by the Environmental Protection Unit.
4. The representations made by the solicitor on behalf of Mr Mohan. He raised concerns regarding noise, including noise generated when people were leaving Grays Court and in respect of the bin area. Attention was also drawn to the residential nature of the area and the impact that an extension to licensing hours would have on neighbouring properties.
5. The representations made in writing by local residents, and verbally by the Reverend Canon Dr Draper.

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 imposed by the licensing committee.
- 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 to the licence:

1. The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls.
2. The only licensable activity in the coach house will be the supply of alcohol to residents of the coach house.
3. The licensable activities authorised and the times they may be carried out subject to the other conditions of this licence:-

Licensable Activity		Days	Hours
Plays and Films	Indoors	Sunday - Thursday	10:00 – 22:30
		Friday - Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
	Outdoors	Each and every day	10:00 – 21:00
Live music	Indoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
	Outdoors	Each and every day	10:00 – 21:00
Recorded Music	Indoors only	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Year's Eve	Until 01:00
Performance of dance	Indoors	Sunday – Thursday	10:00 – 22:30

		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
	Outdoors	Each and every day	10:00 – 21:00
Provision of facilities for making music	Indoors Outdoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
Provision of facilities for dancing	Indoors Outdoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
Late night refreshment	Indoors Outdoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		24 hours for hotel residents	
Supply of alcohol		Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
Supply of alcohol to hotel residents		24 hours	

4. The opening hours of the premises – 24 hours each and every day.
5. Bottles shall not be placed in the bins between 20:00 and 09:00 on each and every day.

6. The following conditions recommended by the Police and the Environmental Protection Unit shall apply:

- (i) CCTV will be installed to cover the front entrance of the premises. 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. Cameras should be positioned so to capture images of customers as they enter the venue via the front entrance from the courtyard.
- (ii) Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of request.
- (iii) Copies of the recordings will display the correct time and date of the recording.
- (iv) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
- (v) Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be of strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
- (vi) Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customer's care.
- (vii) Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and operating times of the venue. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.
- (viii) 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.
- (ix) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as

- incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for one year.
- (x) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs local residents and to leave the premises and area quietly.
 - (xi) 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).
 - (xii) No recorded music outdoors.
 - (xiii) Noise and vibration shall not emanate so as to cause a nuisance at nearby sound sensitive properties.
 - (xiv) Regulated entertainment in the form of recorded and/or live music indoors shall be restricted to the Bow room as shown on the plan GC02. All windows in the Bow Room and the door between the Bow Room and the Long gallery room shall remain closed at all times during regulated entertainment, other than for emergency escape.
 - (xv) Plays, films and performance of dance externally shall cease at 21:00 hours on every day of the week.
 - (xvi) Live music externally shall not use electronic amplification and shall cease at 21:00 hours on every day of the week.
 - (xvii) Documented patrols shall be carried out by members of staff at no less than hourly intervals whilst live or recorded music is being played. These checks shall be undertaken around the perimeter of the premises and findings recorded. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of the City of York Council upon request.
 - (xviii) Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years. (similar to Police condition (vii)).
 - (xix) A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.

- (xx) A documented procedure for investigating noise complaints received by Gray's Court shall be submitted to and approved by the City of York Council within 2 months of the licence being granted and once approved it shall be implemented.
- (xxi) Notices shall be placed on exit doors and staff shall remind customers that there are residential premises in the area and to be quiet when leaving the property.

Mandatory conditions 19, 20 and 21 shall apply.

Informatives

The Sub-Committee advised that the following actions be implemented:

- Taxis to be requested to collect passengers from St William's College rather than Gray's Court.
- Canon Draper to be invited to meet with the applicants to discuss the issues he raised in his representation and to seek a way forward.


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

REASON: To address the representations made.

Chair

[The meeting started at 10.00 am and finished at 1.00 pm].

This page is intentionally left blank

 <p>CITY OF YORK COUNCIL</p>	
<p>Meeting of Licensing Act 2003 Sub-Committee</p>	<p>26 September 2011</p>
<p>Report from the Assistant Director – Communities & Neighbourhoods</p>	

**Section 52(2) Review of Premise Licence for Little John,
5 Castlegate, York, YO1 9RN**

Summary

1. This report seeks Members determination of an application for a review of a premise licence which has been made under the Licensing Act 2003 in respect of the Little John, 5 Castlegate, York, YO1 9RN.
2. Name of applicant: PC 952 Mick Wilkinson, Police Licensing Officer, North Yorkshire Police.
3. Summary of Review: The application to review relates to the following licensing objective;
The prevention of crime and disorder.
4. A copy of the review is attached at Annex 1 and is summarised as follows: On 8 April 2011 the police executed a search warrant under the Misuse of Drugs Act 1971 at the Little John. Subsequently the premise licence holder and designated premise supervisor, Christopher Ransome, was arrested on suspicion of possessing a controlled drug with intent to supply. On 16 July 2011 Mr Ransome accepted an Simple Caution for possessing a Category A controlled drug, namely cocaine. On 29 July 2011 the police executed a second warrant at the venue. Mr Ransome was subsequently arrested and bailed to appear at York City Magistrates Court on 17 August 2011 charged with possessing a controlled drug, namely cocaine. Mr Ransome has since been convicted of the offence and received a fine.
5. North Yorkshire Police have also provided evidence that Mr Ransome is currently the subject of an Harassment Warning

which was served on him in May 2011. The complainant in this case is Janette Robinson of Jacks Cafe, 3A Castlegate, York. This property adjoins the Little John. Furthermore Ms Robinson alleges that there have been breaches of the Little John premises licence conditions and has provided DVD evidence to the police (DVD discs JR1 and JR2 refer). Ms Robinson's statement to the police and DVD evidence form part of North Yorkshire Police application to review the premises licence.

6. Subsequently North Yorkshire Police are of the opinion the licensing objective namely 'the prevention of crime and disorder' has been undermined.
7. A copy of the premises licence is attached at Annex 2. The premise licence authorises the following licensable activities:

Licensable Activity	Current Days & Hours
Indoor Sporting Events	Monday – Saturday 10:00 – 02:30 Sunday 10:00 – 23:30
Live Music & Recorded Music	Monday – Saturday 10:00 – 02:00 Sunday 10:00 – 23:00
Late Night Refreshment	Monday – Saturday 23:00 – 02:30 Sunday 23:00 – 23:30
Supply of alcohol	Monday – Saturday 10:00 – 02:00 Sunday 10:00 – 23:00
Non Standard Timings	From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

Background

8. The existing premises licence was granted on 9 September 2005. On 21 March 2007 the licence was transferred to Mr Ransome, who simultaneously became the designated premises supervisor for the premises. The licence was reviewed at a hearing of the licensing sub-committee on 13 December 2010 on the grounds of prevention of crime and disorder and the prevention of public nuisance. The review applicant was Janette Robinson. As a result of the review the licence was modified and additional conditions added. Mr Ransome appealed this decision but the appeal was dismissed

at York City Magistrates Court on 19 May 2011 and the modified licence was issued. A table of the history of events at the Little John referred to in this report is attached at Annex 3.

9. A map showing the Little John and Jacks Cafe in Castlegate is attached at Annex 4.

Consultation

10. Consultation was carried out by the Applicant and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of review by licensing authority. Copies of the application were served on all responsible authorities and the premise licence holder. Notice of the application was displayed on the premises and on the exterior noticeboard at the Guildhall. In addition relevant Ward Councillors and Parish Councillors were informed by way of register.
11. As a result of the consultation one representation was received from Gosschalks Solicitors on behalf of Enterprise Inns PLC, being an interested party. Enterprise Inns PLC is the freehold owner of the Little John and as such has registered its interest in the premises with the Licensing Authority in accordance with S178 Licensing Act 2003. A copy of the representation is attached at Annex 5.
12. No further representations were received from other responsible authorities.
13. Members are reminded that a representation is only 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. This is in accordance with S52(7) and (8) of the Act.

Other Relevant Information

14. There are no planning implications in relation to this application.

Options

15. By virtue of S52(4) of the Act, the Committee have the following options available to them in making their decision:
16. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
17. Option 2: To exclude a licensable activity from the scope of the licence.
18. Option 3: To remove the Designated Premises Supervisor.
19. Option 4: To suspend the licence for a period not exceeding three months.
20. Option 5: To revoke the licence.
21. Members are also reminded of the option to issue a 'yellow card', ie a warning as to future conduct which may accompany options 1 to 4.

Analysis

22. The following could be the result of any decision made by this Sub-Committee:
23. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
24. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
25. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.

26. Option 4: This decision could be appealed by the premises licence holder.
27. Option 5: This decision could be appealed by the premises licence holder.

Council Priorities

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 priority to protect vulnerable people and create jobs and grow the economy.

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 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

Author:	Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager Ext 1515	Steve Waddington Assistant Director Housing & Public Protection Ext 4016		
	Report Approved	√	Date 14/09/11

Wards Affected: Guildhall

Annexes

- Annex 1** - Copy of review application
- Annex 2** - Copy of premises licence
- Annex 3** - Tabled history of events in relation to the premises licence
- Annex 4** - Map showing location of Little John and Jacks Cafe
- Annex 5** - Representation received from Enterprise Inns Plc
- Annex 6** - Legislation and Policy Considerations