



## **Licensing Hearing**

**To:** Councillors Boyce, Gunnell and Jeffries  
**Date:** Monday, 20 August 2012  
**Time:** 10.00 am  
**Venue:** The Guildhall

### **A G E N D A**

#### **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 28 May 2012 and 7<sup>th</sup> June 2012.

#### **5. The Determination of an Application by Bora Akgul to Vary a Premises Licence Section 35(3)(a) in respect of Bora Bora, 5 Swinegate Court East, York, YO1 8AJ (CYC-?017001**

**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](mailto: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.



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- Applicant
- Representors & the relevant Responsible Authorities

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City of York Council

Committee Minutes

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MEETING	LICENSING HEARING
DATE	28 MAY 2012
PRESENT	COUNCILLORS BOYCE, GILLIES AND RICHARDSON

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**1. CHAIR**

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

**2. INTRODUCTIONS**

Introductions were carried out by the Chair.

**3. DECLARATIONS OF INTEREST**

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

**4. MINUTES**

RESOLVED: That the minutes of the Licensing Hearing held on 19 January 2012 be approved as a correct record and signed by the Chair.

**5. THE DETERMINATION OF AN APPLICATION BY MR. S ALTIN FOR A PREMISES LICENCE SECTION 18 (3) (A) IN RESPECT OF 67 WALMGATE, YORK, YO1 9TZ. (CYC- 020378)**

Members considered an application by Mr S Altin for a Premises Licence in respect of 67 Walmgate, York.

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 Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 67 Walmgate. The premise is not located within the special policy area. A plan showing the layout was tabled. A number of conditions had been agreed with North Yorkshire Police and consultation had been carried out successfully.
3. The representations made at the hearing on behalf of Mr Altin. Members were advised that the premises supervisor was an experienced licence holder and that the applicant was distancing himself from the original intended supervisor. It was stated that the Police were satisfied with the conditions that had been agreed and that the premises would have CCTV in place.
4. The representations made at the hearing by local residents who raised concerns about the potential for an increase in nuisance and anti social behaviour and they drew attention to problems that already existed in the area.
5. Written representations made by local residents during the consultation period.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 35(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for and including any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was rejected as the Sub-Committee considered that it was necessary to add or modify any conditions to meet the Licensing Objectives.

**Option 2:** Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **approved** as the Sub-Committee considered there to be reason to modify or add any conditions to meet the Licensing Objectives.

**Option 3:** Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **rejected** as the Sub-Committee considered there was no reason to exclude any of the licensable activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

**Option 4:** Reject the application. This option was **rejected**, as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

In coming to their decision of approving the above Option 2 the Sub-Committee then imposed the following additional conditions as agreed by North Yorkshire Police and the applicant:

- i. CCTV will be installed to cover the premises and will include all areas to where the public have access.
- ii. It will be maintained, working and recording at all times when the premises are open.
- iii. The recordings should be of sufficient quality to be produced in Court or other such Hearing.
- iv. Copies of the recordings will be kept available for any Responsible Authority for 7 days and will be made available to any Responsible Authority within 48 hours of request.
- v. Copies of the recordings will display the correct time and date of the recording.
- vi. All off-sales shall be made in sealed containers.
- 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.

- viii. Such records (re condition vii) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
- 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.
- x. Both documents (referred to in condition ix) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.

The Committee imposed a further two conditions as follows:

- xi The sale of alcohol shall be restricted to the hours between 10:00 and 20:00 hours seven days a week.
- xii No alcohol is to be sold until a premises supervisor has been appointed.

All relevant mandatory conditions shall apply.

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

REASON: To address the representations made.

Councillor BoyceChair

[The meeting started at 10.00 am and finished at 11.45 am].

City of York Council

Committee Minutes

MEETING

LICENSING HEARING

DATE

7 JUNE 2012

PRESENT

COUNCILLORS BOYCE, GILLIES AND  
RICHARDSON

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**6. CHAIR**

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

**7. INTRODUCTIONS****8. DECLARATIONS OF INTEREST**

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

**9. THE DETERMINATION OF AN APPLICATION BY MR. ABU HASNATH FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 69 MICKLEGATE, YORK, YO1 6LJ. (CYC-020420)**

Members considered an application by Mr. Abu Hasnath for a premises licence in respect of 69 Micklegate, York.

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 Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 69 Micklegate. The premise is located within the special policy area. A plan showing the layout

was tabled. A number of conditions had been agreed with North Yorkshire Police and consultation had been carried out successfully. The premises had previously operated as a restaurant.

3. The applicants representations made at the hearing. He advised that the premises had been licensed for many years for use as a restaurant and the previous licence had lapsed in 2011. He offered to remove 71 Micklegate from the licence application as well as bringing the opening time and sale of alcohol time forward to 10am. In addition it was confirmed that it had been agreed to remove recorded music from the application following advice from the Council's Environmental Protection Unit. In response to the representations made by Local Residents at the hearing, it was agreed that bottle bins would not be emptied early in the morning or late at night.
4. The representations made at the hearing by local residents who although they welcomed the changes to the operation of the premises, raised concerns about noise after 11pm. They were particularly concerned about noise from bottle bins.
5. Written representations made during the consultation period.

In coming to their decision, the sub-committee were presented with the following 4 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.

The Sub Committee chose Option 2 and decided to grant the licence with modified/additional conditions as follows



(acknowledging that number 71 Micklegate had been withdrawn from the application):

- i. All on-sales shall be ancillary to a table meal.
- ii. Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access to consume alcohol.
- iii. CCTV will be maintained, working and recording at all times when the premises are open.
- iv. The recordings should be of sufficient quality to be produced in Court or other such hearing.
- v. 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 48hrs of request.
- vi. Copies of the recordings will display the correct time and date of the recording.
- vii. Customers shall remain seated whilst consuming alcohol.
- viii. 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).
- ix. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
- x. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the Premises Licence; and the Opening 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.

- xi. A Refusals Register and 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 a reasonable request from any Responsible Authority and will be kept for at least one year.
- xii. 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.
- xiii. The venue shall participate in the York Night time Economy radio System.

The Sub Committee also issued the following informative:

Bottles should not be transferred to external bins after 23:00.

All relevant mandatory conditions shall apply.

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

REASON: To address the representations made.

Councillor Boyce, Chair.

[The meeting started at 10.00 am and finished at 11.00 am].



## Licensing Act 2003 Sub Committee

20<sup>th</sup> August 2012

Report of the Director of Communities and Neighbourhoods

### Section 35(3)(a) Application for the variation of a premise licence for 5 Swinegate Court East, York YO1 8AJ.

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-017001
3. Name of applicants: Bora Akgul.
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is as follows
  - (a) To vary the hours of operation for the following licensable activities and add new licensable activities as follows:

Activity	Proposed timings	Proposed location	Current timings	Current Location
Live music	Mon – Sun 11:00 – 24:00	Indoors	Sun – Fri 12:00 – 22:00 Sat 12:00 – 23:00 and until midnight on Christmas Eve and New Year's Eve	Indoors
Recorded music	Mon – Sun 11:00 – 03:00 and an extra hour later on	Indoors and outdoors until	Mon – Sun 11:00 – 03:00	Indoors

	bank holiday Sundays and Christmas Eve and New Year's Eve	01:00		
Performance of dance	Mon – Sun 11:00 – 03:00 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Indoors	Mon – Sun 12:00 – 24:00 and an extra hour later in June July and August	Indoors
Anything similar to the above	Mon – Sun 11:00 – 03:00 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Indoors	New addition	
Provision for making music	Mon – Sun 11:00 – 03:00 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Indoors	New addition	
Provision for facilities for dancing	Mon – Sun 11:00 – 03:00 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Indoors	Mon – Thurs 12:00 – 24:00 Fri - Sat 12:00 – 01:30 Sun 12:00 – 01:00 and an extra hour later in June July and	Indoors

			August	
Provision for similar entertainments	Mon – Sun 11:00 – 03:00 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Indoors	New addition	
Late night refreshment	Mon – Sun 23:00 – 03:00 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Both	Mon – Sun 23:00 – 03:00 and an extra hour later in June July and August on Fri, Sat and Sun	Both
Sale of alcohol	Mon – Sun 23:00 – 02:30 and an extra hour later on bank holiday Sundays and Christmas Eve and New Year's Eve	Both	Mon – Sun 11:00 – 02:30 and an hour later in June July and August on Fri, Sat and Sun	Both

- (b) To remove condition 9 of the licence relating to capacity figures which is covered under the Regulatory Reform (Fire Safety) Order 2005.
- (c) To remove condition 10 of the licence “Customers shall remain seated whilst consuming alcohol within the courtyard area.”
- (d) To amend condition 26 of the licence so to allow the front door to remain open between 11:00 and 20:00 providing music is played at background level.

## **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 as part of the application includes all the conditions attached to the current licence with the addition of a zero tolerance policy towards drugs and regular drug checks throughout the venue.

## **Special Policy Consideration**

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

## **Consultation**

10. 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.
11. All procedural aspects of this application have been complied with.

## **Summary of Representations made by Responsible Authorities**

12. City of York Council Environmental Protection Unit make representation on the grounds of the prevention of public nuisance licensing objective. A copy of this representation is attached at Annex 3.
13. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following condition being included in the licence if granted.
  - (i) To ensure the licensing objective the prevention of crime and disorder is not undermined, there shall be a maximum capacity of 80 customers for the whole licensed area.

### **Summary of Representations made by other people**

14. Relevant representations have been received from 4 local residents listed on Annex 3. Their representations are shown in Annex 4.
15. A map showing the general area around the venue from which the representation is focused is attached at Annex 5.
16. 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**

17. There are no planning issues relevant to this application.

### **Options**

18. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
19. Option 1: Grant the variation of the licence in the terms applied for.
20. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
21. 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.
22. Option 4: Reject the application.
23. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

### **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.

### **Council Plan**

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 priorities to protect vulnerable people, build strong communities, and protect the environment.

### **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.

## **Recommendation:**

34. That Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

## **Contact Details**

### **Author:**

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Licensing Manager

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### **Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director– Housing & Public Protection.

**Report  
Approved**



**Date** 07/08/12

### **Specialist Implications Officer(s):**

Head of Legal & Democratic Legal Services

Ext: 1004

**Wards Affected: Guildhall East**

**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** - Representation from Environmental Protection Unit
- Annex 4** - List of representors
- Annex 5** - Representations from local residents
- Annex 6** - Map showing general area from which representation received.
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations.