

Licensing Hearing

To: Councillors Boyce, Gunnell and McIlveen

Date: Thursday, 14 February 2013

Time: 2.00 pm

Venue: The Guildhall, York.

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 in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

4. Minutes

To approve and sign the minutes of Licensing Hearings held on 29th October 2012 and 15th November 2012.

5. The Determination of an Application by Mrs Bijal Patel for a Premises Licence Section 18(3)(a) in respect of 41 Heslington Road, York, YO10 5AR. (CYC-021531)

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

City of York Council

Committee Minutes

MEETING	LICENSING HEARING
DATE	29 OCTOBER 2012
PRESENT	COUNCILLORS BOYCE, GILLIES AND LOOKER

23. CHAIR

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

24. INTRODUCTIONS**25. DECLARATIONS OF INTEREST**

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

26. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 19th January 2012 and 1st March 2012 be approved and signed by the Chair as a correct record.

27. THE DETERMINATION OF AN APPLICATION BY 99P STORES LIMITED TO VARY A PREMISES LICENCE SECTION 35 (3)(A) IN RESPECT OF FAMILY BARGAINS, STIRLING ROAD, CLIFTON MOOR, YORK. (CYC-019933)

Members considered an application by 99p Stores Ltd for the Variation of a Premises Licence in respect of Family Bargains, Stirling Road, Clifton Moor, York.

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

The following were taken into account:

1. The licence application form.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was to vary the hours of operation on Sundays from 10:00 until 17:00 to 08:00 to 23:00 and to remove Condition 1 from the licence which referred to alcohol not being sold for 99p. The premises are located outside of the Special Policy Area and consultation had been carried out successfully.
3. The representations made by the applicant at the hearing. He advised that there is no intention to operate the store outside of Sunday trading hours and he was happy to remove the request for longer hours on Sundays from the application. He stated that the main reason for the application was for the removal of Condition 1 and he was happy to proceed with the hearing on that basis. The removal of the condition was in order for the store to compete against other nearby stores and to provide customers with a wider range of goods. The companies Health and Safety adviser outlined the measures in place for staff training and the CCTV system.
4. The representations made by the Ward Councillor in writing and at the hearing. She advised that a number of residents had contacted her raising concerns about the availability of cheap alcohol and the associated impact on the area but accepted that it was outside of the Sub-Committees remit to set alcohol prices.
5. Written representations made by the Parish Council during the consultation period.

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 related and modify/add conditions accordingly.

Option 4 Reject the application.

Members agreed Option 1 and approved the application in the terms applied for.

The Sub-Committee concluded that the application was acceptable and agreed that condition 1 could be removed from the licence.

Councillor Boyce, Chair

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

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City of York Council

Committee Minutes

MEETING	LICENSING HEARING
DATE	15 NOVEMBER 2012
PRESENT	COUNCILLORS BOYCE, GILLIES AND HORTON

28. CHAIR

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

29. INTRODUCTIONS**30. DECLARATIONS OF INTEREST**

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

31. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 24th January 2012 and 11th June 2012 be approved and signed by the Chair as a correct record.

32. THE DETERMINATION OF AN APPLICATION BY CHONG HUNG CHUN TO VARY A PREMISES LICENCE SECTION 35 (3)(A) IN RESPECT OF REGENCY RESTAURANT, 16 BARBICAN ROAD, YORK, YO10 5AA. (CYC-009221)

Members considered an application by Chong Hung Chun to vary a premises licence in respect of Regency Restaurant, 16 Barbican Road, 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 Officers report and her comments made at the hearing. She advised the application was to vary an existing licence to vary the hours of operation, extend the licensable area, vary the hours for a number of licensable activities, and to extend the opening hours, and for the removal of the embedded conditions and conditions listed under Annex 2 of the licence. The premises are located outside of the Special Policy Area. A number of conditions had been agreed with North Yorkshire Police prior to the hearing.
3. The representations made at the hearing by the applicants solicitor. She advised that the premises would not be run as a nightclub and that access to the karaoke rooms would only be offered to customers who had purchased a meal in the restaurant. Two door supervisors would be employed to monitor the smoking areas and customers leaving the premises late at night. It was confirmed that a sound consultant had been employed by the applicant to ensure that noise nuisance is minimal.
4. The representations made by the Council's Planning Enforcement Officer in writing and at the hearing who advised that a planning application had now been submitted and that his main concern was regarding noise nuisance in a primarily residential area.
5. Representations made at the hearing by the Ward Councillor on behalf of some of the representors. He advised that local residents had no objection to the premises continuing to operate as a restaurant but had concerns about people leaving the premises in the early hours of the morning and causing noise nuisance. He also advised that the smoking arrangements to the front of the premises are inadequate due to the narrow footpath and proximity to resident's homes.
6. The representations made at the hearing by local residents who raised concerns about the potential for an

increase in noise levels and anti social behaviour in the area late at night.

7. Written representations made by local residents during the consultation period.

The Sub-Committee 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 imposed the following conditions:

1. Prior to using the karaoke rooms customers must have consumed a meal in the restaurant, excluding snacks.
2. Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access for licensable activities and where the public can consume alcohol. For the purpose of clarity this will include all rooms and stairways to which the public have access for licensable activities and where the public can consume alcohol.
3. It will be maintained, working and recording at all times when the premises are open.
4. The recordings should be of sufficient quality to be produced in Court or other such hearing.
5. Copies of the recordings will be kept available for any Responsible Authority for 28 days.
6. Copies of the recordings will be made available to any Responsible Authority within 48hrs of request.

7. Copies of the recordings will display the correct time and date of the recording.
8. All OFF SALES shall be made in sealed containers save for those that are intended for consumption within the building.
9. After 2400hrs the only door used by members of the public to enter the premises shall be the main door on to Barbican Road.
10. Last public entry to the premises shall be 2400hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 2400hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).
11. After 2400hrs customers who have left the venue to smoke shall be monitored by a Door Supervisor in a clearly demarked area at the front of the venue which will not block the footpath.
12. Two SIA Door Supervisors shall be provided at the venue from 2400hrs until the close of business, with at least one staffing the main door on to Barbican Road.
13. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
14. Standard one pint capacity, half pint capacity and “high ball tumbler” drinking glasses will be strengthened glass (tempered glassware) in design whereby in the event of breakage the glass will fragment and no sharp edges are left.
15. Drinking glasses of any type should not be allowed to enter or leave the premises whilst under the customers care.
16. 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.

17. Such training (referred to in Condition 16) will be refreshed and documented every 6 months.
18. Such training records (referred to in Condition 16) should be kept for at least 3 years.
19. Such training records (referred to Condition 16) will be made available for inspection upon request by any Responsible Authority.
20. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.
21. Both the above documents (referred to in Condition 20) will be kept for at least 3 years.
22. Both the above documents (referred to in Condition 20) will be available for inspection upon request by any Responsible Authority.
23. 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.
24. So as to ensure the Licensing Objective *the prevention of crime and disorder* is not undermined there shall be a maximum capacity of 100 persons of which there shall be no more that 30 persons on the first floor and no more that 20 persons on the second floor.
25. When the karaoke rooms are being used there shall be at least one member of staff permanently situated on each floor of the venue on which the room is being used.
26. The member of staff shall monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.
27. The members of staff situated on the first and second floor shall be in direct radio link with the Door Staff.

28. All alcohol consumed in the karaoke rooms shall be served by way of waiter/waitress service.
29. No dancing is to take place on the ground floor of the building at anytime.
30. All users of the karaoke rooms must have evidence of their room hire on their food bill as suitable evidence of food purchase.
31. All doors and windows shall be closed during regulated entertainment or, when entertainment is not provided, after 23:00hrs each night (except for ingress and egress).
32. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
33. Clear signage shall be displayed requesting that customers respect neighbouring residents and leave the premises quietly.
34. The use of external areas shall be restricted to 10:00hrs – 23:00hrs each day. After this time, customers shall only be permitted at the front of the property, fronting onto Barbican Road, for the purpose of smoking.
35. A detailed noise management plan shall be devised prior to the premises operating. The plan should be submitted and agreed by the local licensing authority to their reasonable satisfaction prior to its implementation. It shall show how nearby residential properties will be protected from noise generated at the premises. The agreed noise management plan shall be implemented at all times during regulated entertainment.

All relevant mandatory conditions shall continue to apply.

Councillor Boyce, Chair

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



Licensing Act 2003 Sub Committee**14th February 2013**

Report of the Director of Communities and Neighbourhoods

Section 18(3)(a) Application for a premise licence for 41 Heslington Road, York YO10 5AR**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-021531
3. Name of applicant: Mrs Bijal Patel
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the sale of alcohol, off the premises, every day between 08:00hrs and 23:00hrs.

Background

6. A copy of the application is attached at Annex 1.

Promotion of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General
 - a) The premises will operate with the benefit and experience gained since operating their current business (Heslington Road Newsagents) which has been licensed for some time.

9. The prevention of crime and disorder:

a) The applicant and staff will not serve customers who appear intoxicated with alcohol.

10. Public safety:

a) Experienced staff using a CCTV system.

11. The prevention of public nuisance:

a) CCTV system maintained and working. Records kept for a minimum of 7 days and a refusals book kept on the premises for inspection.

b) Signage will be displayed highlighting the premises are in a residential area and asking customers to respect this when leaving the property.

12. The protection of children from harm

a) I.D. signage will be prominently displayed and staff instructed to only accept passports or photo ID, driving licences as a form of identification.

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

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following conditions being included in the licence if granted.
 - i. CCTV will be installed to cover the premises and will include all areas to where 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 48hrs 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 the Opening Times of the venue.
 - viii. Such records (referred to in Condition 7) 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 9) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
 - xi. 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.
 - xii. 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).

Summary of Representations made by Local Residents

17. Relevant representations have been received from 4 local residents listed at Annex 2. Their representations are attached at Annex 3
18. A map showing the general area around the venue from which the representations are focused is attached at Annex 4
19. 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

20. There are no planning issues.

Options

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

Analysis

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

30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

31. 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.
32. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

- 33.
- **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

34. 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.

35. 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

36. 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

Tel No. 01904 551515

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director– Housing & Community Safety.

**Report
Approved**

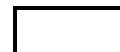


Date 04/02/2013

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Fishergate



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - List of representors
- Annex 3** - Copy of representations
- Annex 4** - Map of area from which representations received
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations