

Licensing Hearing

To: Councillors Boyce, Gillies and McIlveen
Date: Thursday, 19 September 2013
Time: 10.00 am
Venue: The Rowntree Room (GO62) - West Offices

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 Hearings held on 9th May 2013 and 3rd June 2013.

5. The Determination of an Application by P. Smith, Commercial Services Operations Manager, University of York for a Premises Licence Section 18(3)(a) in respect of Heslington East Campus, Heslington, York, YO10 5GE. (CYC-022409)

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

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Licensing Officer
Legal Services
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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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- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

MEETING	LICENSING HEARING
DATE	9 MAY 2013
PRESENT	COUNCILLORS BOYCE, GILLIES AND REID

46. CHAIR

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

47. INTRODUCTIONS**48. 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.

49. MINUTES

Resolved: That the minutes of the Licensing Hearings held on 14th February and 8th April 2013 be approved and signed by the Chair as a correct record.

50. THE DETERMINATION OF AN APPLICATION BY WM MORRISON SUPERMARKETS PLC FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 5 SPURRIERGATE, YORK, YO1 9QR. (CYC-021821)

Members considered an application by Wm Morrison Supermarkets PLC for a premises licence in respect of 5 Spurriergate, York.

In coming to their decision, Members 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 Managers report and her comments made at the hearing. She advised that the application was for a premises licence for a unit that had been previously used for retail but was not licensed. The premises are located in the Council's special policy zone. She confirmed that consultation had been carried out correctly.
3. The applicants representations made at the hearing. Members were advised that Morrison's was a responsible operator that had not had a single prosecution in the last 3 years relating to alcohol sales. There had been no objections from local residents or other responsible authorities. The main concern of North Yorkshire Police was the location of the premises in the Cumulative Impact Zone (CIZ), but it was argued that convenience stores are not covered by the special policy. Morrison's were reluctant accept some of the more stringent police conditions as detailed in a letter dated 8th May which had been circulated to the Sub-Committee, although the majority had been agreed.
4. Representations made at the hearing by North Yorkshire Police. Their Legal Representative advised that whether the premises are covered by the CIZ or not, the Police had genuine concerns relating to the hours of the store overlapping with other licensed premises in the area and the associated impact. The Police Inspector responsible for York City Centre also spoke to outline the problems faced by the Police including the theft of alcohol from nearby supermarkets and the issue of street drinkers and beggars using convenience stores.

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 granted the licence with the following conditions as agreed with North Yorkshire Police attached to the licence:

1. A CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard.
3. The CCTV system will be maintained, working and recording at all times when the premises are open.
4. The recordings shall be of good evidential quality to be produced in court or other such hearing.
5. Copies of the recordings will be kept available for any responsible authority for 31 days.
6. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
7. Copies of the recordings will display the correct time and date of the recording.
8. The system must be able to export recorded images to a removable means (e.g. CD/DVD) and have its own software enabled to allow playback/review.
9. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
11. There shall be no sale of single cans of beer, lager or cider from the premises.

12. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.
13. There shall be no external advertising of alcohol products in the shop window.
14. At least one personal licence holder will be available (this does not necessarily mean present at the premises) at all times that alcohol is on sale.
15. There shall be no self service display of alcohol within 5 metres of the store entrance.
16. Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
17. An incident log will be kept at the premises and made available on request by any responsible authority which will record the following:-
 - a) All crimes reported to the venue
 - b) Any complaints received regarding crime and disorder
 - c) Any incidents of disorder
 - d) Any faults in the CCTV system
 - e) Any refusal of the sale of alcohol
 - f) Any visit by a relevant authority or emergency service.
18. There will be a minimum of two members of staff present at the premises at all times that alcohol is on sale.
19. There will be SIA security staff on duty after 1700hrs on Friday and Saturdays and Race Days during times that alcohol is sold.
20. The venue shall partake in the York Nightsafe Night-time Economy radio system.
21. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appear to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification

being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

22. Signage informing customers of the age verification policy shall be displayed in prominent positions on the shop floor where:-

- a) alcohol is on public display
- b) at the point of sale
- c) at the entrance to the premises.

23. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:-

- a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member;
- b) Refresher/reinforcement training at intervals of no more than 6 months.

24. Such training records shall be made available immediately upon a reasonable request from any responsible authority.

25. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:-

- a) details of the time and date the refusal was made
- b) the ID of the staff member refusing the sale

26. Such register shall be made available immediately upon a reasonable request from any responsible authority.

27. Such register shall be made available immediately upon a reasonable request from any responsible authority.

28. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible:-

- a) before entering the premises
- b) where alcohol is on display
- c) at the point of sale.

All relevant mandatory shall apply.

Reasons for the Decision:

The Sub-Committee considered carefully the application for the premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy. The Sub-Committee also had regard to the representations submitted both in writing and heard at the hearing. The Sub-Committee considered that, on the basis of the evidence presented to it, the conditions imposed would enable the licensing objectives to be met and would prevent an adverse impact on the Cumulative Impact Zone

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.15 am and finished at 12.00 pm].

MEETING	LICENSING HEARING
DATE	3 JUNE 2013
PRESENT	COUNCILLORS GILLIES, MCILVEEN AND RICHARDSON

1. CHAIR

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

2. INTRODUCTIONS

3. DECLARATIONS OF INTEREST

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

4. THE DETERMINATION OF AN APPLICATION BY SAINSBURYS SUPERMARKETS LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF SAINSBURYS, UNITS 1,2 & 3 QUEENS HOUSE, MICKLEGATE, YORK. (CYC-021863)

Members considered an application for a Premises Licence in respect of Sainsburys, Unit 1,2 & 3 Queens House, Micklegate, York.

In coming to their decision, Members 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 Managers report and her comments made at the hearing. She advised that the premises are located in the Council's special policy zone. She confirmed that consultation had been carried out correctly and that there

were no planning restrictions associated with this premises.

3. The applicants representations made at the hearing. Members were advised that Sainsbury's is a responsible operator with dedicated Compliance and Licensing Managers. There had been no objections to the application from local residents or other responsible authorities. It was stated that the main concern of North Yorkshire Police is the location of the premises in the Cumulative Impact Zone (CIZ), but it was questioned if convenience stores are covered by the special policy. The hours applied for were not usual for a Sainsbury's Local and had been chosen to reflect the location within the special policy area.
4. Representations made at the hearing by North Yorkshire Police. Their Legal Representative advised that whether the premises are covered by the CIZ or not, the Police have genuine concerns relating to the hours of the store overlapping with other licensed premises in the area and the associated impact. The Police Sergeant responsible for York City Centre also spoke to outline the problems faced by the Police in the Micklegate area, in particular on Saturday afternoons and evenings when the area is popular with groups visiting the city.

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 granted the licence with the following conditions as agreed with North Yorkshire Police attached to the licence:

1. A CCTV system shall be installed and fully operational whilst the premises are open to the public. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. The system will be regularly maintained and serviced on a minimum of 12 monthly basis. The system clock will be checked regularly for accuracy taking into account of GMT and BST. CCTV footage will be retained for 31 days.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
4. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
5. The system will display, on any recording, the correct time and date of the recording.
6. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
7. There shall be no sales of single cans of beer, lager or cider from the premises and no sales of single bottles of beer, lager or cider in vessels of less than 500ml.
8. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.
9. There shall be no self-scan tills.
10. There shall be no external advertising of alcohol products in the shop window.

11. There shall be no free standing stacks of alcohol on display.
13. At least one personal licence holder will be available (this does not necessarily mean present on the premises) at all times that alcohol is on sale.
14. There will be no display of alcohol within 5 metres of the store entrance.
15. Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
16. An incident log will be kept at the premises and made available on request to an authorised officer of the City Council or the police which will record the following:
 - All crimes reported at the venue
 - Any complaints received regarding crime and disorder.
 - Any incidents of disorder.
 - Any faults in the CCTV system.
 - Any refusal of the sale of alcohol.
 - Any visit by a relevant authority or emergency service.
17. There will be a minimum of two members of staff present at the premises at all times that alcohol is on sale.
18. There will be security staff on duty after 5.00p.m. on Fridays and after 2pm on Saturdays during times that alcohol is on sale.
19. The applicant will join the radio shopwatch scheme organised by the Licensing Authority or the police, details of which have been supplied to the licence holder.
20. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on display and at the point of sale.

21. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth, and the Proof of Age Standards scheme (or similarly accredited scheme) hologram.
22. Signage informing customers of the age verification policy shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and at the entrance to the premises.
23. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
- Induction training which must be completed and documented prior to the sale of alcohol by the staff member
 - Refreshment/reinforcement training at intervals of no more than 6 months.
 - Training records will be available for inspection by a police officer on request.
24. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
- Details of the time and date the refusal was made
 - The name of the staff member refusing the sale
 - Details of the alcohol the person attempted to purchase.
 - The register will be made available for inspection by a police officer on request.
25. Spirits shall not be sold in bottles 35ml or under.

All relevant mandatory shall apply.

Reason for the Decision

The Sub-Committee considered carefully the application for the premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy. The Sub-Committee also had regard to the representations submitted both in writing and heard at the hearing. The Sub-Committee considered that, on the basis of the evidence presented to it, the conditions imposed would enable the licensing objectives to be met and would prevent an adverse impact on the Cumulative Impact Zone.

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor Gillies, Chair

[The meeting started at 10.30 am and finished at 12.10 pm].



Licensing Act 2003 Sub Committee

19 September 2013

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for a premise licence for Heslington East Campus, Heslington, York YO10 5GE.

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-022409
3. Name of applicant: YUSU Commercial Services Ltd.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is to allow for:

Activity	Proposed Timings	Proposed Location	Non Standard Timings
Plays	Mon – Sun 10:00 – 24:00	Outdoors	
Films	Mon – Sun 10:00 – 24:00	Outdoors	
Boxing or wrestling entertainment	Mon – Sun 10:00 – 24:00	Outdoors	
Live music	Sun - Thurs 10:00 – 21:00 Fri – Sat 10:00 – 02:00	Outdoors but may include temporary structure	All events with a capacity above 500 will finish at midnight
Recorded music	Sun – Thurs 10:00 – 21:00 Fri – Sat	Outdoors but may include temporary	All events with a capacity above 500 will finish at midnight

	10:00 – 02:00	structure	
Performance of dance	Sun – Thurs 10:00 – 21:00 Fri – Sat 10:00 – 02:00	Outdoors	
Late night refreshment	Fri – Sat 23:00 – 02:00		All events with a capacity above 500 will finish at midnight
Supply of alcohol	Sun - Thurs 12:00 – 21:00 Fri – Sat 12:00 – 02:00	on and off the premises	All events with a capacity above 500 will finish at midnight
Opening times	Sun - Thurs 10:00 – 21:00 Fri – Sat 10:00 – 02:30		

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) All staff serving on premises will receive training in licensing law.
- b) A personal licence holder will be present at each event.
- c) Licensed SIA trained staff will be present for each event.
- d) Stewards will be present at each event.
- e) A responsible person will be present at each event.
- f) First aiders will be present at each event.
- g) The university health and safety procedures will be adhered to at all times.

9. Prevention of crime and disorder

- a) University security personnel will be on call and will have a visual presence at each event.
- b) Plastic vessels will be used when deemed appropriate.
- c) A zero tolerance policy will be taken on drugs.

10. Public safety

- a) A safety management plan will be submitted to the relevant parties prior to any event with more than 500 persons attending. This will provide a comprehensive overview to all planning aspects.

11. The Prevention of public nuisance

- a) All events over 500 people will finish by midnight.
- b) Noise limitation precautions will take place
- c) Local residents will be given adequate advanced notice of the event taking place.
- d) All events with amplified sound held between Sundays and Thursday will finish by 21:00hrs
- e) A risk assessment will be sent to all relevant parties.

12. The protection of children from harm

- a) All customers under the age of 18 will be clearly identified.
- b) No customers under the age of 17 will be allowed on the premises after 20:00hrs

13. The operating schedule shown on the application form also includes the following items which are not included in the above paragraphs:

- a) The venue will be primarily used for student events.
- b) Within the 12 events per year only one event will exceed 500 people in attendance. An events manual will be supplied in advance

to relevant parties for more specific information. This will include stewarding points/numbers, SIA trained staff numbers, first aid provision and crowd control /exit plan procedures. This event will not go past midnight and noise limiting precautions will be put in place.

- c) All events will be publicised via flyers to the local community and any event taking place midweek will finish at 21:00 hours.
- d) For all 12 events there will be SIA trained staff on site, protecting the licence. All staff operating on the premises will have received basic licensing training to ensure they uphold the licensing objectives.
- e) All events that take place will follow the University's event booking procedure which includes individual risk assessments and must be approved by the DPS.

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 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. The council's Environmental Protection Unit (EPU) has met with the applicant who has agreed to a number of conditions being added to the licence if granted, however they have not been able to agree on the details of a noise management plan and this has resulted in a representation by EPU on the grounds of public nuisance. A copy of the representation is attached at Annex 2.

17. North Yorkshire Police have met with the applicants who have agreed to all the police's proposed conditions being added to the licence if granted and as such there is no representation from the police. These conditions are listed at Annex 2A.

Summary of Representations made by Parties other than Responsible Authorities

18. Relevant representations have been received from 23 people who live in the area. Their details are shown at Annex 3 and their representations at Annex 4.
19. A map showing the general area around the venue is attached at Annex 5.

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:

Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**

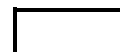


Date 10/09/13

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Heslington



For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - EPU representation
- Annex 2A** - Police conditions
- Annex 3** - List of representors
- Annex 4** - Copies of representations
- Annex 5** - Map showing location of venue
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations