

## Licensing/Gambling Hearing

**To:** Councillors Gillies, McIlveen and Richardson

**Date:** Tuesday, 25 March 2014

**Time:** 10.00 am

**Venue:** The Guildhall, York

### AGENDA

#### 1. Chair

To elect a Member to act as Chair of the meeting.

#### 2. Introductions

#### 3. Declarations of Interest

At this point Members are asked to declare any personal, prejudicial or pecuniary interests they may have in the business on this agenda.

#### 4. Minutes

To approve and sign the minutes of Licensing Hearings held on 4<sup>th</sup> November 2013 and 10<sup>th</sup> December 2013.

#### 5. The Determination of an Application by City of York Council for a Premises Licence Section 18(3)(a) in respect of Monk Stray, Malton Road, York. (CYC-023066)

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, Library.



## 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.



City of York Council

Committee Minutes

---

Meeting	Licensing Hearing
Date	4 November 2013
Present	Councillors Boyce, Cuthbertson and Richardson

---

**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 were asked to declare any personal or prejudicial interests in the business on the agenda. None were declared.

**49. Minutes**

Resolved: That the minutes of the Licensing Hearings held on 28<sup>th</sup> August and 4<sup>th</sup> September be approved and signed by the Chair as a correct record.

**50. The Determination of an Application by Mr Erdal Ozturkce for a Premises Licence Section 18(3)(a) in respect of Late Night Mobile Trader, Whip-ma-Whop-ma-Gate, York. (CYC-022587)**

Members considered an application by Mr Erdal Ozturkce for a premises licence in respect of Late Night Mobile Trader, Whip-ma-Whop-ma-Gate, 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 the provision of late night refreshment Monday to Thursday 23:00 to 03:30 and Friday to Sunday between 23:00 and 04:30 for a mobile catering unit to be situated in Whip-ma-Whop-ma-Gate, York. A previous licence at the site had lapsed in February 2013. The premises are not currently located within the special policy area. Conditions had been agreed with the applicant and North Yorkshire Police prior to the hearing. Consultation had been carried out correctly.
3. The applicants comments made at the hearing. He advised that he had previously operated his business from Toft Green but following a nightclub in the area reducing its opening hours and the lease on the pitch coming to an end, he was now seeking an alternative site. He reassured Members that he was intending to have a mains supply of electricity to avoid the use of a noisy generator and would carry out litter picks in the vicinity of the catering van. He would be installing a CCTV system as requested by the Police. In relation to concerns about noise from customers, he agreed to try to stop customers immediately in front of the van from making a noise but asked Members to acknowledge that he could not do anything about drunken people or noise in the wider area.
4. The representations made in writing by local residents and business owners in the area who had raised concerns about a potential for an increase in anti social behaviour late at night should the application be approved. The Sub-Committee Members took into consideration the comments made in writing when addressing the applicant.

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 agreed to grant the licence with the following conditions:

1. A CCTV system will be installed to cover the premises and will include the area to where the public congregate to buy food.
2. The CCTV system will be maintained, working and recording at all times when the premises are open.
3. The recordings shall be of good evidential quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 7 days.
5. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. Documented staff training will be given regarding the conditions attached to the premises licence and the opening times of the venue.
8. Such training records (referred to in condition 7) should be kept for at least 1 year.
9. Such training records (referred to in Condition 7) will be made available for inspection upon request by any responsible authority.

10. Prominent, clear and legible notices shall be displayed requesting the public to respect the needs of local residents and leave the premises and area quietly.
11. Upon closing the premises at conclusion of business, staff will undertake a general litter pick-up and tidy of the general area of the premises.
12. A minimum of two trained members of staff shall be employed on the premises at all times the venue is open for business from 23:00 until the venue closes.
13. The proprietor shall apply to take part in the York Night Time Economy Radio Scheme and purchase radio equipment if membership is offered.
14. Power to the unit shall be supplied by a mains connection and no generator shall be used at anytime.

All relevant mandatory conditions shall apply.

Resolved: That the application be approved in line with Option 2 as detailed above.

Reason: The Sub-Committee concluded that the application was acceptable with the above additional/modified conditions as it addressed the representations made both in writing and at the hearing, and it met all the Licensing Objectives.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.30 am].

Meeting	Licensing Hearing
Date	10 December 2013
Present	Councillors Boyce, Gillies and Horton

---

**51. Chair**

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

**52. Introductions****53. Declarations of Interest**

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

**54. Minutes**

Resolved: That the minutes of the Licensing Hearings held on 28<sup>th</sup> August and 4<sup>th</sup> September be approved and signed by the Chair as a correct record.

**55. The Determination of an Application by Byron Hamburgers Ltd for a Premises Licence Section 18(3)(a) in respect of Byron, 11 High Ousegate, York. (CYC-022744)**

Members considered an application by Byron Hamburgers Ltd for a premises licence in respect of Byron, 11 High Ousegate, York.

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 at 11 High Ousegate, York. Plans showing the location and floor layouts were tabled. The premise is not located within the special policy area. A number of conditions had been agreed with North Yorkshire Police and the Council's Environmental Protection Unit prior to the hearing. Consultation had been carried out successfully.
3. The applicants Solicitors comments made at the hearing. He advised that the premise would be replacing the existing Danish Kitchen cafe and would have restaurant space on the ground floor and part of the first floor. The concept is that of a restaurant with alcohol being a small part of the overall sales. He advised that until recently, Byron had been part of the Gondola Group which operated chains such as Pizza Express and ASK and as a result had comprehensive policies in place for operating the restaurants.
4. A Local Residents comments made in writing and at the hearing. Concerns were raised about the potential for public nuisance and disturbances caused by restaurant customers being in the area late at night. He stated that the restaurant could act as a magnet and retain people in the area late at night. Concern was also raised about the further addition of another premise selling off-sales in the City Centre as off- sales of alcohol in sealed containers as requested by the Police would not prevent people from drinking in the street.

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 agreed to grant the licence with the following conditions as agreed with North Yorkshire Police and the Council's Environmental Protection Unit:

1. Digital colour CCTV will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.
2. The CCTV system will be maintained, working and recording at all times when the premises are open.
3. The recordings shall be of sufficient quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. All off sales shall be made in sealed containers.
8. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
9. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customer's care.
10. 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.

11. Such records (referred to in condition 10) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
12. 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
13. Both documents (referred to in condition 12) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
14. 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.
15. The venue shall partake in the York Nighttime Economy radio scheme.
16. Tables shall be laid out at all times in a manner indicative of dining.
17. Customers shall remain seated whilst consuming alcohol
18. Alcohol shall be provided by waiter/waitress table service only.
19. Noise originating from the premises shall be inaudible at nearby sound sensitive properties.
20. Bottle bins are only to be emptied between the hours of 9am and 10pm Monday to Sunday.
21. No off sales of alcohol shall take place other than with the provision of take-away food.

All relevant mandatory conditions shall apply.



In addition, in response to the concerns raised by the Local Resident, the applicant agreed to amend the application as follows:

Recorded Music (Indoors) Monday to Saturday 11:00am to 12:30am.

Late Night Refreshment (Indoors) Monday to Sunday 11:00am to 12:30am.

Sale of Alcohol (on and off sales) Monday to Saturday 11:00am to 12:00am Sunday 11:00am to 22:30pm.

Opening Times Monday to Saturday 11:00am to 12:30am.

Reason for the Decision:

In reaching their decision to grant the application subject to the above conditions, the Sub-Committee considered both oral and written representations from the Applicant and from the other interested person. The Panel noted that the Police and EPU had made representations in relation to this application but had subsequently withdrawn them after a number of conditions were agreed with the applicant, as detailed in the report. The Sub-Committee considered that given that the Applicant had agreed to the conditions imposed, the application accorded with the licensing objectives. The Sub-Committee considered that there was insufficient evidence to support the view that the opening hours and supply of off-sales would lead to more people being in the area later or that there would be more noise and disturbance as a result.

Accordingly, The Sub-Committee concluded that the application was acceptable with the above additional conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Resolved: That Members determined the application in line with Option 2.

Reason: To address representations made.

Councillor Boyce, Chair

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



## Licensing Act 2003 Sub Committee

25<sup>th</sup> March 2014

Report from the Assistant Director – Housing & Community Safety

### Section 18(3)(a) Application for a premise licence for Monk Stray, Heworth, York.

#### 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-023066
3. Name of applicant: City of York Council.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow the following:

<u>Licensable Activities</u>	<u>Indoors/ Outdoors</u>	<u>Day</u>	<u>Hours</u>
Plays	Both	Mon Tues – Thurs Fri Sat – Sun	10:00 – 22:00 12:00 – 22:00 12:00 – 23:00 10:00 – 23:00
Films	Both	Mon Tues – Thurs Fri – Sun Sun 06/07/14 re Tour de France	10:00 – 23:00 10:00 – 22:00 10:00 – 23:00 07:30 – 23:00
Live music	Both	Mon Tues – Thurs Fri – Sun Sun 06/07/14 re Tour de France	12:00 – 23:00 12:00 – 22:00 12:00 – 23:00 09:00 – 23:00

Recorded music	Both	Mon - Fri Sat – Sun Sun 06/07/14 re Tour de France	12:00 – 23:00 10:00 – 23:00 08:00 – 23:00
Performance of dance	Both	Mon Tues – Thurs Fri Sat Sun	12:00 – 23:00 12:00 – 22:00 12:00 - 23:00 11:00 – 23:00 12:00 – 23:00
Anything similar to the above activities	Both	Sat Sun	09:00 – 23:00 09:00 – 22:00
Late night refreshment	Both	Between 28/06/14 and 07/07/14	23:00 – 05:00
Sale of Alcohol	Both	Mon – Thurs Fri – Sun	12:00 – 22:00 12:00 – 23:00
Opening times		No restrictions	

The applicant is also proposing that the licence shall only be used for a maximum of 14 days in any year.

### **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 events held on the land will be family events and will be operated in accordance with the Purple Guide and Terms and conditions specified by the licence granted.
9. The prevention of crime and disorder
- a) All events will be stewarded in accordance with the Purple Guide and all aspects taken to ensure a safe event.

10. Public safety

- a) All events will be planned with health and safety as a top priority in accordance with the City of York Council Terms and Conditions including our Event Protocol (attached).

11. The prevention of public nuisance

- a) All events will be monitored in accordance with Environmental Protection Unit Guidelines and the terms and conditions set down for the use of Council Land and our Events Protocol.

12. The protection of children from harm

- a) All events will be family events and all possible steps taken to ensure child safety in accordance with legislation and City of York Council Safeguarding policy.

13. The following additional conditions have been proposed by the applicant for inclusion on the licence if granted:

- a) Event organisers shall submit a completed copy of the form “Notification for Provision of Live Amplified Music for Event booked on City of York Council Controlled Land”, together with a detailed plan showing exact layout of the site and proposed sound monitoring locations at least 28 days before the event. A copy shall be sent to the Environmental Protection Unit and also the Licensing Unit. The notification shall include a sample of the leaflet to be sent to comply with the condition below and which addresses will receive the leaflet.
- b) Prior to an event, noise sensitive premises in close proximity shall be leafleted about the event, information shall include details of the performance times and any sound checks taking place. Contact telephone numbers for a representative of the organiser shall be provided in any leaflets/letters distributed to premises in the vicinity. On receipt of complaints, the event organiser shall ensure that all complaints are dealt with in accordance with the Complaints Procedure Document.
- c) The event organiser shall appoint a responsible person who will undertake regular monitoring of the noise from the event. This

person will undertake a documented sound check prior to or at the start of the event to ensure that the sound levels are acceptable. The documented patrols shall be undertaken at least once per hour, or for each separate act taking place, whichever is the more frequent. The monitoring at each location shall be for a representative period whilst the act is taking place (at least 5 minutes) and the observations shall be recorded on the Sound Monitoring Log Sheet. The actions taken shall be dependent on the observations made by the designated responsible person and shall be in accordance with the actions stated on the monitoring log sheet.

- d) For all events in which alcohol is to be sold a 28 day notification shall be given to the police. The police will have the right to veto such sales upon submission of written, reasonable and justified grounds served within 14 days of the event. The date of notification and the date of the commencement of the event shall not form part of the 14 or 28 day notification period.
- e) For all events where alcohol is to be sold Front Line Door Supervisors shall be deployed at all entrance points leading to where alcohol is available for sale and consumption.
- f) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the number of Door Supervisors depending on the style of the event.
- g) On-sales of alcohol shall be in open non glass vessels and containers only, which will include the decanting of alcohol where necessary.
- h) On-sales of alcohol shall be ancillary to the event i.e. there shall be no events (civil, military, family events as per the Operating Schedule) that are based on the sale of alcohol.
- i) Off-sales shall be made in sealed containers.
- j) 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 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 a period of at least 3 months from the end of the event.

- k) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- l) Signage advertising the above condition shall be displayed at all points where alcohol is offered for sale.
- m) There shall, be a litter pick of the area upon the conclusion of the event or daily conclusion should the event be held over a number of days, with particular emphasis on any glass items that have been brought onto the site by customers.

### **Special Policy Consideration**

- 14. This premise is not located within the special policy area.

### **Consultation**

- 15. 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.
- 16. All procedural aspects of this application have been complied with.

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

- 17. The North Yorkshire Police have met with the applicant who has agreed to some amendments to the application and a number of extra conditions being included in the licence if granted. A copy of these proposals is attached at Annex 2.

### **Summary of Representations made by Parties other than Responsible Authorities**

18. Relevant representations have been received from 286 people listed at Annex 3. Their representations are attached at Annex 4
19. A map showing the general area around the venue from which the representations are focused is attached at Annex 5.

### **Planning Issues**

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

### **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**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>
Lesley Cooke Licensing Manager	Steve Waddington Assistant Director Housing & Community Safety.
Tel No. 01904 551515	

**Report Approved**  **Date** 17/03/14

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected:** Heworth, Heworth Without

**For further information please contact the author of the report**

### **Background Papers:**

- Annex 1** - Copy of application form
- Annex 2** - Copy of proposals agreed between police and applicant.
- Annex 3** - List of representors
- Annex 4** - Copy of written representations – ***Please note that due to the size of this annex it is available on request only. Copies will be made available to the Sub-Committee and copies will be available at the hearing***
- Annex 5** - Map showing location of venue
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations