



## **Licensing Hearing**

**To:** Councillors Boyce, Horton and Watt

**Date:** Monday, 14 April 2014

**Time:** 10.00 am

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

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

#### **1. Chair**

To elect a Member to Chair the meeting.

#### **2. Introductions**

#### **3. Minutes**

To approve and sign the minutes of Licensing Hearings held on 9 January 2014 and 23 January 2014.

#### **4. Declarations of Interest**

Members are asked to declare:

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

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

#### **5. The Determination of an Application by Under the Influence (Yorkshire) Ltd, Bewlie, Burnby York for (Premises Licence) Section 18(3)(a) in respect of 54-56 Fossgate, York (CYC-023101)**

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)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

### **Distribution:**

Members of Licensing Act 2003 Sub-Committee  
Licensing Officer  
Legal Services  
Applicant  
Representors  
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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.



City of York Council

Committee Minutes

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Meeting	Licensing Hearing
Date	9 January 2014
Present	Councillors Boyce, Funnell and Orrell
In Attendance	Councillor Watson

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**56. Chair**

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

**57. Introductions****58. 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.

**59. Minutes**

Resolved: That the minutes of the Licensing Hearings held on 10<sup>th</sup> and 19<sup>th</sup> September 2013 be approved and signed by the Chair as a correct record.

**60. The Determination of an Application by Andrew Thwaite to Vary a Premises Licence Section 35(3)(a) in respect of York Chocolate Story, Kings Square, York, YO1 7LD. (CYC-020175)**

Members considered an application by Andrew Thwaite to vary a premises licence in respect of York Chocolate Story, Kings Square, 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 to vary the licence to include off sales. North Yorkshire Police had agreed a condition with the applicant. Consultation was carried out correctly.
3. The applicants representations made at the hearing. Members were advised that all staff involved in the sale of alcohol had been trained and would be selling alcohol responsibly. The retail alcohol products on offer would be luxury goods that would be in sealed containers sold from the gift shop, not associated with over-indulging, and it was not anticipated that customers would take such products to consume in Kings Square. The premises do not have a bar but may wish to offer mulled wine or a coffee with alcohol, which would be served in paper cups to patrons of the Chocolate Story. The cafe area has limited seating, and it would be envisaged that some patrons may take such drinks outside the premises to consume.
4. The Ward Councillors comments made in writing and at the hearing. who raised concerns about the potential for alcohol purchased at the Chocolate Story being consumed in Kings Square and associated problems such as children mixing with people drinking alcohol and anti-social behaviour. Concerns were also raised about the potential for broken glass in the square.

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 condition as agreed with North Yorkshire Police:

All off sales shall be in sealed containers save for the provision of mulled wine or a hot drink with no more than a double measure of alcohol added. Such drinks must only be provided in non-glass vessels.

Reason for the Decision:

The Sub-Committee concluded that the application was acceptable with the above additional condition 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 in line with Option 2 the licence variation be granted.

Reason:             To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 10.40 am].

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Meeting	Licensing/Gambling Hearing
Date	23 January 2014
Present	Councillors Boyce, Gillies and McIlveen

**61. Chair**

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

**62. Introductions****63. Declarations of Interest**

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

**64. Minutes**

Resolved: That the minutes of the Licensing Hearings held on 2 October 2013 and 24 October 2013 be approved and signed by the Chair as a correct record.

**65. The Determination of an Application by Mr. Hayati Kucukkoylu for a Licence Variation Section 35(3)(a) in respect of Macumba, 3 Coffee Yard, York, YO1 8AR. (CYC-009165)**

Members considered an application by Mr Hayati Kucukkoylu for a Licence Variation for Macumba, 3 Coffee Yard, 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 Manager's report and her comments made at the Hearing. She advised that the application was to vary the existing licence to include the extension of the opening hours, and to amend certain conditions included in the current licence to allow the use of the outside courtyard after midnight and to vary the occupancy capacity.
3. The representations made at the hearing by the applicant. They advised that the premises was not located in the Cumulative Impact Zone (CIZ) or any special policy area. In reference to the capacity of the venue, they advised the panel that the limit for 100 people within the premises was set by North Yorkshire Fire and Rescue. In addition, they wanted to alter the number of covers to be 24 rather than 12 on the first floor and 12 on the second floor, this was in order to spread the tables and seats across the premises when events such as Salsa Dancing Classes took place to create a dance floor area. In relation to representations from North Yorkshire Police and Environmental Protection Unit (EPU) they questioned the Police's statistics as it was not clear whether the Anti Social Behaviour incidents were specifically alcohol related. In regards to comments from EPU about musical disturbance they confirmed that there had only been one incident during the summer heatwave. This was because the premises did not have Air Conditioning and this had now been rectified. They also confirmed that there would always be the possibility for some noise in the courtyard given that this was used as a cut through.
4. The representations made in writing and at the hearing by North Yorkshire Police. They advised the Committee that the area in which Macumba was located, Back Swinegate, was proposed to be located within the CIZ, due to it being a hotspot for crimes within the city centre. This area constituted for 8% of crime and Anti Social Behaviour incidents in the city centre and there was a peak in crimes between 11 pm and 2 am. They also commented that removal of tables inside the premises and increasing hours would change the nature of the premises to a primarily drinking/nightclub style establishment which

would attract a different type of clientele. They also felt there was a saturation of bars in that area and the increase of 25 people in an establishment where drinking was the primary focus would overstretch Police patrols.

5. The representations made in writing and at the hearing by the Council's Environmental Protection Unit. They explained that on Noise Patrols they had found that the nuisance levels had been below statutory levels but they still objected to the use of the courtyard after midnight as they felt it would be difficult to control noise once customers had consumed alcohol and no conditions could be imposed to prevent this. Provided that conditions were imposed, they did not object to the extension of time in the premises.
6. The representations made in writing and at the hearing by the Licensing Enforcement Officer. He explained that he had written to the applicant and had visited the premises along with the Police Licensing Officer with regard to alleged breaches of their licence and felt that the applicant had understood the conditions on the current licence.
7. The representations made in writing by York Archaeological Trust, who were concerned about the proposed extended hours of usage of the courtyard on noise and health and safety grounds.

In coming to their decision, the Sub-Committee were presented with the following 4 options:

- Option 1 Grant the Licence Variation in the terms applied for.
- Option 2 Grant the Licence Variation with modified/additional conditions imposed by the Licensing Committee.
- Option 3 Grant the Licence Variation to exclude any of the licensable activities to which the application related and modify/add conditions accordingly.
- Option 4 Reject the application.

Members chose Option 2 and agreed to grant the licence variation with the following additional conditions from North Yorkshire Police and Environmental Protection Unit:

North Yorkshire Police

Removal of Annex 2 Condition 2 to be replaced with the following conditions-

- 2a) A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.
- 2b) The CCTV system will be maintained, working and recording at all times when the premises are open.
- 2c) The recordings shall be of good evidential quality to be produced in a court or other such hearing.
- 2d) Copies of the recordings will be kept available for any responsible authority for 28 days.
- 2e) Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
- 2f) Copies of the recording will display the correct time and date of the recording.

Removal of Annex 2 Condition 5 to be replaced by the following condition-

- 5. So as to uphold the licensing objective the prevention of crime and disorder, there shall be a maximum capacity figure of 100 people (which will include staff) at any one time on the licensed premises (for the avoidance of doubt this figure includes the occupancy of the outside area).

Removal of Annex 2 Condition 13 to be replaced with the following re-worded condition-

- 13a) Two door Supervisors shall be provided at the venue from 2100hrs on the following occasions;
  - i) Every Friday and Saturday evening
  - ii) In the evening before a Bank Holiday
  - iii) The evening of race meetings held at York Racecourse (save for the family meeting held in September and the first meeting held in May).



- 13b) Two door supervisors shall be provided at the venue from 2300hrs on any other night, not listed in the condition, upon which the venue intends to open beyond 0100hrs.

The use of the outside area would be covered with the following condition-

- 18) The footprint of the outside area shall be bordered by a semi-permanent removable, barrier (or similar) at all times the area is used for licensable activities.

The condition volunteered in the operating schedule in relation to the radio link be worded as follows-

- 19) The venue shall participate in the York Nightsafe Night Time Economy radio scheme.

#### Environmental Protection Unit

Conditions relating to the variation of hours for live and recorded music:

1. During regulated entertainment, all windows shall be kept closed and all doors shall be kept closed except for ingress and egress.
2. After 11pm, when regulated entertainment takes place, the windows on the first floor shall be provided with close fitting acoustic insulation designed to prevent noise breakout through the first floor windows.
3. All regulated entertainment shall be played through the premises sound system which has connection points on each floor of the premises. This sound system shall be under the control of the premises manager at all times when it is in use.
4. Documented checks shall be carried out by members of staff at no less than hourly intervals during the performance of live or recorded music. These checks shall assess the noise for the regulated entertainment and shall be carried out in the courtyard area outside no 1 Coffee Yard. Actions taken following these assessments shall be documented.

These documents shall be retained for six months and shall be made available for inspection on request by an authorised officer of City of York Council.

5. Staff involved in ensuring compliance with the licence conditions shall be trained in all matters relating to the licence and its conditions. This training shall be documented and records of training shall be kept available for inspection for 3 years.
6. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

All relevant mandatory conditions shall apply, together with the condition requiring seating for 12 covers on the ground floor and 12 on the first floor.

Reason for the decision:

The premises are not within the current Cumulative Impact Zone and there is therefore no rebuttable presumption that the application will normally be refused.

The Sub-Committee resolved that the application for variation be approved in relation to the extended hours inside the premises subject to the conditions requested by the Environmental Protection Unit at page 79, and the Police at page 77, together with mandatory conditions, as it was considered that the extension within the building would not undermine the licensing objectives.

The Sub-Committee also resolved that the variation to Condition 8 regarding seating arrangements would not be granted, and will remain in force, as the variation was considered to undermine the licensing objective of preventing crime and disorder, as it materially changes the nature of the establishment enabling it to be primarily used for drinking, based on the evidence available.

The Sub-Committee also resolved that the variation of Condition 11 regarding the use of the outside area would not be granted, as it was considered that an extension to 02:30 would undermine the licensing objective of preventing public nuisance by virtue of noise in the courtyard area based on the evidence available.

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 the licence be granted in line with Option 2.

Reason: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.10 am and finished at 12.00 pm].

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**Licensing Act 2003 Sub Committee****14th April 2014**

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for a premise licence for 54-56 Fossgate, York YO1 9TF.**

**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-023101
3. Name of applicant: Under The Influence (Yorkshire) Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of recorded music and the sale of alcohol at the following times:

Sunday - Thursday, 08:00hrs - 23:00 hours

Friday - Saturday, 08:00hrs - 24:00hrs

plus an extra hour for Christmas Eve, New Year's Eve and the Sundays prior to a bank holiday.

**Background**

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

**Promotion of Licensing Objectives**

7. The operating schedule submitted by the applicant (their reference Appendix 1) has a list of 35 proposed conditions covering all 4 licensing objectives. A copy of this is shown at Annex 2.

### **Special Policy Consideration**

8. This premise is located within the extended special policy area approved by full council on 27 March 2014. A copy of the policy is attached at Annex 3.

### **Consultation**

9. 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.
10. All procedural aspects of this application have been complied with.

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

11. North Yorkshire Police have proposed some amendments and additions to the applicants' proposed conditions and these have been agreed by them and will be added to the licence if granted. A copy of these proposals is attached at Annex 4.
12. The Council's Environmental Protection Unit has proposed a number of additional conditions, which have been agreed with the applicants for inclusion in the licence if granted. A copy of these proposals is attached at Annex 5.

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

13. One relevant representation has been received from a local resident and this is attached at Annex 6.
14. A map showing the general area around the venue is attached at Annex 7.

### **Planning Issues**

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

### **Options**

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

### **Analysis**

21. The following could be the result of any decision made this Sub Committee:-
22. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
23. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
25. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Council Plan**

26. 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.
27. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## **Implications**

28.

- **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**

29. 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.
30. 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**

31. 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** 31/03/2014

### Specialist Implications Officer(s)

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall East**



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

### Background Papers:

**Annex 1** - Copy of application form.

**Annex 2** - Proposed conditions submitted by the applicants.

**Additional Information** - Submitted by the applicant.

**Annex 3** - Copy of Special Policy

**Annex 4** - Copy of proposals agreed between police and applicant.

**Annex 5** - Propose conditions agreed with EPU and applicant.

**Annex 6** - Copy of representation from local resident.

**Annex 7** - Map showing location of venue

**Annex 8** - Mandatory Conditions

**Annex 9** - Legislation and Policy Considerations

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