



**Notice of a public meeting of a  
Licensing Hearing**

**To:** Councillors Looker, Richardson and Wiseman  
**Date:** Tuesday, 27 January 2015  
**Time:** 3.00 pm  
**Venue:** The Severus Room - 1st Floor West Offices (F032)

**AGENDA**

**1. Chair** (Pages 1 - 8)  
To elect a Member to act as Chair of the meeting.

**2. Introductions**

**3. Declarations of Interest**  
At this point in the meeting, Members are asked to declare:

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

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

**4. Minutes** (Pages 9 - 22)  
To approve and sign the minutes of Licensing Hearing(s) held on 13<sup>th</sup> June and 23<sup>rd</sup> June 2014.

**5. The Determination of an Application by Terrence Wheatley and Robert Wheatley to Vary a Premises Licence Section 35(3) in respect of Wheatlands Lodge Hotel, 75-85 Scarcroft Road, York. (CYC- 009636)** (Pages 23 - 72)

Democracy Officer:

Name: Laura Bootland

Contact Details:

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- 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:

- Attending the hearing
- Business of the hearing
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- 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)

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**Distribution:**

Members of Licensing Act 2003 Sub-Committee  
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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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- Applicant
- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

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Meeting Licensing Hearing

Date 13 June 2014

Present Councillors Boyce, McIlveen and Taylor

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**1. Chair**

Resolved: That Councillor Boyce 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, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

**4. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 12<sup>th</sup> May be approved and signed by the Chair as a correct record.

**5. The Determination of an Application by Mr. Yutao Lu for a Premises Licence Section 18(3)(a) in respect of Londis, 39a York Road, Acomb, York, YO24 4LW. (CYC-023309)**

Members considered an application for a premises licence in respect of 39a York Road, Acomb, 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, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 39a York Road, Acomb, York. Plans showing the location were tabled. The premise is not located within the special policy area. A number of conditions had been agreed with North Yorkshire Police. Consultation had been carried out successfully.
3. The applicants Solicitors comments made at the hearing. He advised that the premise would be replacing the old Blockbuster store and would operate as a Londis with a Post Office incorporated within the shop. The hours of operation would be 6am to 11pm but it was not anticipated that much alcohol would be sold during the early morning, but having the licence for all hours the shop would be open prevented the expense of having to install shutters to cover the alcohol at certain times of day. The concept would be that of a convenience store with alcohol being a small part of the overall sales, rather than the main focus. A comprehensive operating schedule was in place for the premises and conditions had been agreed with North Yorkshire Police who had no objection to the application. The premises would have no effect, cumulative or otherwise, on the promotion of the licensing objectives.
4. The representations made in writing and at the hearing by a local resident who raised concerns about the potential for an increase in public nuisance and disturbances caused by customers from the premises being in the area late, particularly people using the alleyways in the area. They raised concerns about the number of licensed premises already operating in the area and the potential for the addition of this licence to add to the existing problems of public nuisance and crime and disorder.

In coming to their decision, Members considered the following options:

- Option 1 Grant the Licence in the terms applied for.
- Option 2 Grant the Licence with modified/additional conditions.
- Option 3 Grant the Licence to exclude any licensable activities to which the application relates.
- Option 4 Reject the application.

The Sub Committee chose option 2 and granted the licence with the following additional conditions as imposed by North Yorkshire Police:

1. CCTV will be installed to cover the premiss and will include areas to where public have access.
2. It 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 the police or authorised licensing officer for 31 days.
5. Copies of the recordings will be made available to the police or authorised licensing officers within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
8. 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.
9. The documented records (referred to in condition 8) shall be kept for at least six months and they will be made available to upon request to the police or authorised licensing officer.

10. A Refusals Register will be kept. Such document will record incidents of staff refusals to underage or drunk people as well as any attempted proxy purchases (i.e should a customer attempt to purchase alcohol on behalf of an underage person).

11. The above document (referred to in condition 10) will be made available upon request to the police or authorised licensing officer and will be kept for at least one year.

12. All off sales shall be made in sealed containers.

All relevant mandatory conditions shall apply.

#### REASON FOR THE DECISION:

The Sub-Committee concluded that the application was acceptable with the above amended and 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.

The Sub-Committee noted the local residents' concerns that there has been anti-social behavior in the area. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to be satisfied that the premises would be operated responsibly.

The Sub-Committee considered that the applicant did demonstrate that the premises would not add to the problems in the area and that there would be no negative impact on the licensing objectives.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above but reminded the applicant of the necessity of upholding all of the licensing objectives and highlighted the possibility of the licence being reviewed if it was found that the licensing objectives were not being upheld.

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

Reason: To address the issues raised.

Councillor Boyce, Chair

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

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Meeting	Licensing Hearing
Date	23 June 2014
Present	Councillors Boyce, Crisp and Horton

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**6. Chair**

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

**7. Introductions****8. Declarations of Interest**

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

**9. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 15<sup>th</sup> May 2014 be approved and signed by the Chair as a correct record.

**10. The Determination of an Application by Mr. Barbaros Ayata to Vary a Premises Licence Section 35(3)(a) in respect of Jorvik Cafe, Units 4 & 5, Stonebow House, Stonebow, York, YO1 7NP. (CYC-013040)**

Members considered an application to vary a premises licence in respect of Jorvik Café, Units 4&5, Stonebow House, York.

In coming to their decision, Members took into consideration all of the evidence and the 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 in particular the operating schedule

and the additional steps agreed to be taken by the applicant to promote the licensing objectives.

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 extend the opening hours, provide regulated entertainment consisting of live and recorded music and performance of dance. The application was also seeking the removal of a condition which would remove the requirement for the retail sale of alcohol to be ancillary to the provision of food. The premises are not located within the special policy zone. Conditions had been agreed with North Yorkshire Police and the Council's Environmental Protection Unit. Consultation had been carried out correctly.
  
3. The representations made at the hearing by the applicants Solicitor. He advised that the applicant had made the application in order to develop the business which was in need of refurbishment. 31 additional licence conditions had been agreed to in conjunction with the Police and the Council's EPU. It was not intended that the premises would be run as a nightclub, but would be a restaurant and bar, with food being served up to 11pm and a snack menu until 2am. In relation to noise in the area, a taxi rank to the rear of the premises and two live music venues nearby meant that there was already noise in the area, but the applicant had agreed to stop serving alcohol at 2am to avoid a clash of dispersal times with the other venues. It was confirmed that the exit to the rear of the premises would only be used in case of an emergency.
  
4. The representations made in writing by two local residents who raised concerns about noise and anti-social behaviour in the St. Saviourgate area late at night.

In coming to their decision the Sub-Committee considered the following 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 Sub-Committee.

Option 3 Grant the licence variation to exclude any of the licensable activities to which the application relates.

Option 4 Reject the application.

Members chose Option 2 and agreed to grant the licence with the following additional conditions:

The following conditions as agreed with North Yorkshire Police:

1. Digital colour CCTV will be installed to cover the premises and will include all areas to where the public have access to consume alcohol and where licensable activities are undertaken.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings shall be of an evidential quality in all lighting conditions and will 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 will display the correct time and date of the recording.
6. A member of staff trained to use the CCTV system shall be on duty at all times so as to ensure the recorded images are made available for inspection and downloading immediately upon request to any responsible authority.
7. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
8. Clear notices shall be prominently displayed requesting customers to leave the premises and area in a quiet and orderly manner.
9. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.

10. Drinking vessels of any type shall not be allowed to enter or leave the premises whilst under the customers care.
11. 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.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. 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 premises.
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
15. The venue shall partake in the York Night-time economy radio system.
16. All off-sales shall be in sealed containers.
17. The footprint of the outside area shall be clearly marked at all times (when in use) by semi-permanent barrier, screen or similar (such as a plant screen).
18. There will be no vertical drinking in the external seating area; for the purpose of clarity customers shall remain seated whilst consuming alcohol in that area.
19. *This condition was amended by the Sub-Committee with the agreement of the applicant*– The rear entrance of the venue (onto St. Saviourgate) shall not be used as a means of entry or egress (save for the use as a fire exit in an emergency).
20. Any queuing in to the premises shall be managed by staff to ensure that the queue stays close to the building line and goes away from the premises along the pedestrian ramp (accessed from Stonebow) towards the city centre.

21. So as to afford proper supervision of customers there shall be a member of staff deployed in the basement of the venue whenever there are customers consuming alcohol or when licensable activities are undertaken.
22. An adequate number of Door Supervisors (at least two) shall be provided at the venue from 2100hrs on the following occasions:
  - i. Every Friday and Saturday evening
  - ii. The evening before a Bank Holiday
  - iii. The evening of race meetings held at York Racecourse (save for the family meeting in September and the first meeting held in May).
23. An adequate number of Door Supervisors (at least two) shall be provided at the venue from 2300hrs on all other occasions.

The following conditions as agreed by the Councils Environmental Protection Unit:

24. All doors and windows shall be closed during regulated entertainment or, when regulated entertainment is not provided after 2300 hours each night (except for ingress and egress).
25. Clear signage shall be displayed requesting that customers respect local residents and to leave the premises quietly.
26. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints.
27. Bottle bins are only to be emptied between the hours of 9am and 10pm Monday to Sunday.

28. The outside drinking/eating area shall not be used for any licensable activities or the consumption of alcohol after 2300 hours until the close of business.
29. Noise originating from within the premises shall be inaudible at noise sensitive properties.

The Sub-Committee also amended the following timings, with the agreement of the applicant:

The supply of alcohol shall take place between 11:00am and 02:00 Monday to Sunday.

Late night refreshment shall take place between 23:00 and 02:00 Monday to Sunday.

All Mandatory Conditions shall apply.

#### REASON FOR THE DECISION:

The Sub-Committee resolved that the application for a variation be granted based on the evidence given by the applicant's representative at the hearing. The application was satisfactory to North Yorkshire Police and the Council's Environmental Protection Unit with additional conditions to promote the licensing objectives.

Having regard to the submissions made on behalf of the applicant, the Sub-Committee were satisfied that the operation of the premises with the additional conditions would promote the licensing objectives.

The Sub-Committee therefore agreed to grant the application and reminded the applicant of the necessity of upholding all of the licensing objectives.

Resolved: That the licence variation be approved in line with Option 2.

Reason: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.15 am].

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**Licensing Act 2003 Sub Committee****27<sup>th</sup> January 2015**

Report of the Director of Communities and Neighbourhoods

**Section 35(3) (a) Application for the variation of a premise licence for Wheatlands Lodge Hotel, 75–85 Scarcroft Road, York, YO24 1DB.**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009636
3. Name of applicants: Terrence Wheatley and Robert Wheatley.
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is as follows:
  - i) To extend the boundary of the premises licence to include the outside areas, namely the rear courtyard situated within the rear parking area, and the front garden and patio area looking onto Scarcroft Road.
  - ii) To remove condition 9 in Embedded Restrictions from the premises licence. (This refers to not allowing credit sales).

**Background**

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

**Promotion of Licensing Objectives**

8. The applicant does not propose any additional measures to those already stipulated on their existing licence.

### **Special Policy Consideration**

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

### **Consultation**

10. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements.
11. All procedural aspects of this application have been complied with.

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

12. No representations were received by any of the Responsible Authorities.

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

13. Nine relevant representations have been received from persons listed at Annex 3 and their representations are shown at Annex 4.
14. A map showing the general area around the venue is attached at Annex 5.
15. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **Planning Issues**

16. There are no planning issues regarding this application.

### **Options**

17. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision:-
18. Option 1: Grant the variation of the licence in the terms applied for.

19. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
20. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
21. Option 4: Reject the application.
22. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

### **Analysis**

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

### **Council Plan**

28. 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.
29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## Implications

30.

- **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

31. 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.
32. 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

33. That Members determine the application.  
Reason: To address the representations received as required by the Licensing Act 2003.

**Contact Details**

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**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director– Housing & Public Protection.

**Report  
Approved**



**Date** 29/12/2014

**Specialist Implications Officer(s):**

Head of Legal & Democratic Legal Services Ext: 1004

**Wards Affected:** Micklegate

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

**Background Papers:**

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application form
- Annex 3** - List of representors
- Annex 4** - Copies of representations
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations

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