

## Licensing Hearing

**To:** Councillors Boyce, Gillies and Mason  
**Date:** Monday, 27 February 2017  
**Time:** 10.00 am  
**Venue:** The Craven Room - Ground Floor, West Offices (G048)

### AGENDA

#### 1. Chair

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

#### 2. Introductions

#### 3. Declarations of Interest

At this point in the meeting, Members are asked to declare:

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

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

#### 4. Minutes

To approve and sign the minutes of the Licensing Hearing held on 12 December 2016.

#### 5. The Determination of an Application by Mr Vincent Roberts for a Premises Licence Section 18(3) (a) in respect of 4 Patrick Pool, York, YO1 8BB (CYC-057510)

Democracy Officer:

Name: Laura Clark

Contact Details:

- Telephone – (01904) 554538
- Email - [Laura.Clark@york.gov.uk](mailto:Laura.Clark@york.gov.uk)

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

- Registering to speak
- 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

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 Representatives 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.



## About City of York Council Meetings

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

### **Who Gets Agendas and Reports for our Meetings?**

- Councillors get copies of all agendas and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agendas and reports for the committees which they report to; and
- Public libraries, Council Receptions and the Press get copies of **all** public agendas/reports.
- Applicant
- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

---

Meeting	Licensing Hearing
Date	12 December 2016
Present	Councillors Aspden (Substitute for Councillor Crisp), Gillies (Substitute for Councillor Douglas) and Richardson
Apologies	Councillors Crisp and Douglas

---

**20. Chair**

Resolved: That Councillor Gillies be elected to Chair the meeting.

**21. Introductions****22. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests.

Councillor Gillies declared a personal, non-prejudicial interest in that, during his time as Lord Mayor, amongst many other attendances at events in that capacity, he had been present at the launch of one of the brewery's products at the Copmanthorpe Beer Festival.

**23. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 28 November 2016 be approved as a correct record and then signed by the Chair.

**24. The Determination of an Application by Ainsty Ales Ltd for a Premises Licence Section 18 (3) (a) in respect of Ainsty Ales Brewery, Manor Farm, Intake Lane, Acaster Malbis, YO23 2PL (CYC-056879)**

Members considered an application by Ainsty Ales Ltd for a Premises Licence Section 18 (3) (a) in respect of Ainsty Ales Brewery, Manor Farm, Intake Lane, Acster Malbis, YO23 2PL.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective in particular was relevant to this Hearing:

- The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all of the evidence and submissions that were presented, and determined their relevance to the issues raised and the licensing objectives, including:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and her comments made at the Hearing. She stated that the premises were not in the special policy area, there had been no objections from public protection or any other responsible authorities and consultation had been carried out in accordance with the Licensing Act 2003. The planning department considered the use for Brewery Tours, limited off sales and a small tap room to be incidental to the main use of the premises and therefore planning permission for a change of use was not required. However, should the nature of the use expand beyond this then planning permission may be required for a material change of use. The police did not object provided that additional conditions were imposed (Annex 2), which the Applicant had agreed to.
3. The Applicant's representations at the Hearing. He stated that the main purpose of this application was to enable the brewery to provide off - sales of their product, allowing them to more effectively promote their business. They hoped to offer 15 - 20 minute brewery tours with bottles/kegs available to take away at the end. The second part of the application was for a small tap room. This would be staffed by current employees and would therefore only operate during the hours 16:00-18:00 on a Thursday and Friday. The Applicant clarified that as this was a small, quiet village they did not expect a large amount of footfall. Rather, they saw this as a chance to offer a service to the village, where people could come for

a couple of hours in the evening. The application to open until 22:00 was to cover what they hoped would be an annual beer festival, which it was felt would be a community gathering the village would come on board with. There would be nothing taking place outside of the building to cause noise issues for surrounding properties. When music/entertainment was on the doors and windows would be kept closed.

4. Written representations made during the consultation period and the extra information submitted by Mr D. Smith ahead of the Hearing which highlighted the position of Mr Smith's residence in relation to the premises.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

**Option 1:** Grant the licence in the terms applied for and including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was **rejected** because the Sub-Committee decided that the existing conditions were insufficient and extra conditions were required to address the issues of public nuisance and the protection of children from harm as requested by the Police.

**Option 2:** Grant the licence with modified/additional conditions imposed by the licensing committee, including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This was the **approved** option in order to meet the Licensing Objectives and City of York Council Licensing Policy.

**Option 3:** Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was **rejected** as the Sub-Committee considered there no reason to exclude any of the licensable

activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

**Option 4:** Reject the application. This option was **rejected** as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

In coming to their decision of approving the above **Option 2**, the Sub-Committee then imposed the following additional conditions:

1. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
  - operation of the CCTV system (including the downloading of evidence)
  - retail sale of alcohol
  - age verification policy
  - conditions attached to the premises licence
  - permitted licensable activities
  - the licensing objectives
  - opening times for the venue

with such records being kept for a minimum of one year [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry].

2. An incident log will be kept at the premises and made available, on request, to an authorised officer or the police which will record the following:
  - any complaints received regarding crime and disorder
  - any incidents of disorder
  - any faults in the CCTV system
  - any refusal of sale of alcohol
  - any visit by a relevant authority of emergency service

3. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

#### Public Nuisance

4. 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 the area quietly.
5. Doors and windows should be kept closed during the playing of amplified music and other entertainment (save for entry and egress).

#### Protection of Children from Harm

6. The premises shall operate the Challenge 25 policy for the sale of alcohol.
7. The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo (until other effective identification technology, e.g. a thumb print or pupil recognition, is adopted by the Premises Licence Holder).

#### General

8. Any on-line sales will be either undertaken by a third party company or the Premises Licence Holder. The Premises Licence Holder will ensure that such third party company, or him/herself, will have a robust age verification policy in place to ensure no underage sales take place on line.
9. There shall be 30 (minimum) chairs/seats for customer use inside the premises at all times the venue is open to negate the need for vertical drinking.

All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions

Reasons for the Decision

The Sub-Committee took into consideration that there had been no objection from public protection, or any other responsible authorities. The police had sought additional conditions, which the Applicant had already agreed to. The Sub-Committee were mindful of the written representations from local residents; however as public protection had no concerns over noise, they were satisfied that granting this licence would not impact on residential amenity or cause public nuisance. Furthermore, the Applicant had assured the Sub-Committee that events would be small and low-key and that the beer festival would be a yearly event predominantly for local residents. He also expressed his desire to integrate with the surrounding community and to offer events, such as a community cinema, which he felt would enhance the lives of those in the area.

Councillor Gillies, Chair

[The meeting started at 10.00 am and finished at 10.35 am].





## Licensing Act 2003 Sub Committee

27 February 2017

Report of the Assistant Director – Planning & Public Protection

### **Section 18(3) (a) Application for a Premises Licence for 4 Patrick Pool, York, YO1 8BB.**

#### **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-057510
3. Name of applicant: Vincent Kenneth Roberts.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Films	Mon – Sat 10:00 – 23:00 Sun 11:00 – 23:00
Recorded Music and anything similar	Mon – Sun 10:00 – 23:00
Sale of alcohol (on sales)	Mon – Sun 10:00 – 23:00
Opening times	Mon – Sun 10:00 – 23:30

#### **Background**

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

## **Promotion of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General
  - a) The management will maintain strong and constant management controls and all staff will receive initial and regular training to ensure best practice, particularly to the following:
    - No sales to underage/drunk or disorderly customers
    - No drunken or disorderly behaviour on the premises
    - Vigilance regarding the use of and sale of drugs
    - No harm to minors
9. The prevention of crime and disorder
  - a) CCTV will be installed at the entrance and exit and other areas and all footage will be recorded and stored.
  - b) Clear and legible operating hours notice will be displayed.
  - c) There will be a strict policy preventing the sale or consumption of alcohol to drunk/intoxicated persons and regarding disorderly conduct.
  - d) No solicitation will occur inside or within the vicinity of the premises.
  - e) Clear notices will be displayed notifying patrons of these policies.
10. Public Safety
  - a) Mains backed heat and smoke detectors will be installed.
  - b) Twice yearly fire safety checks will be conducted.
  - c) Twice yearly audits by an independent agency will be conducted to ensure health and safety standards are met.
  - d) Staff will be trained to ensure adherence to environmental health regulations.
11. The prevention of public nuisance
  - a) Noise reduction measures on the development will be made and delivery of goods will be in line with the current planning restrictions.

- b) Clear and legible notices asking patrons to respect nearby residents and to leave the area quietly will be displayed and staff will also encourage them to leave quietly.
- c) All internal and external lighting will be positioned and screened so not to cause a nuisance to local residents.
- d) Movement of bins and waste by staff will be kept to a minimum after 21:00 hours.
- e) A policy will be in place to ensure the surrounding area is kept clean and tidy from litter.

12. The protection of children from harm:

- a) A Challenge 25 policy will be adopted and signs to this effect will be displayed.
- b) Regular checks will be made of all patrons alongside standard individual checks to ensure there is no under age consumption of alcohol.
- c) A logbook will be kept for details of any checks.
- d) Persons under the age of 18 years will not be admitted after 20:00 hours.
- e) Alcohol will not be allowed to be taken from the premises.

**Special Policy Consideration**

13. The premise is located within the special policy area approved by full council on 27 March 2014. A copy of the policy is attached at Annex 2.

**Consultation**

14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant Ward Councillors and/or Parish Council were notified by way of register.

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

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

16. North Yorkshire Police have mediated with the applicants who have agreed to a number of conditions being attached to the licence if granted. These are shown at Annex 3.

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

17. One relevant representation has been received from an interested party and this is shown at Annex 4.
18. A map showing the general area around the venue is attached at Annex 5.

### **Planning Issues**

19. There are no planning issues regarding this application. A change of use from retail to mixed use restaurant/cafe and drinking establishment was approved in March 2016.

### **Options**

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

### **Analysis**

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Council Plan**

30. 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.
31. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

### **Implications**

32.
  - **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

33. 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.
34. 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

35. 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: (01904) 551515

### Chief Officer Responsible for the report:

Mike Slater  
Assistant Director - Planning and Public Protection

**Report  
Approved**



**Date** 16/02/2017

### Specialist Implications Officer(s)

Assistant Director Legal & Governance  
(01904) 551004

**Wards Affected: Guildhall**

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

### Background Papers:

**Annex 1** - Application Form

**Annex 2** - Special Policy

**Annex 3** - Police Conditions

**Annex 4** - Representation

**Annex 5** - Map of Area

**Annex 6** - Mandatory Conditions

**Annex 7** - Legislation and Policy Considerations