
Licensing Act 2003 Sub Committee

25 January 2016

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for Huntington WMC, 1 North Moor Road, Huntington, York, YO32 9QS

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-054599
3. Name of applicant: Huntington Working Men’s Club
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application:
 - a) This venue currently operates as a registered club under a Club Premises Certificate - CYC 009775, and as such admissions are limited to club members and their guests except on those occasions when the club operates under a Temporary Event Notice. The nature of this application, if granted, will allow general admission to both members and non members.
 - b) The licensable activities and proposed timings applied for are as follows:

Licensable Activity	Proposed premises licence timings
Plays	Mon - Sun 09:00 - 01:00
Films	Mon - Sun 09:00 - 01:00
Indoor sporting events	Mon - Sun 09:00 - 01:00
Boxing or wrestling entertainments	Mon - Sun 09:00 - 01:00

Live music	Mon - Sun 09:00 - 01:00
Recorded music	Mon - Sun 09:00 - 01:00
Performance of dance	Mon - Sun 09:00 - 01:00
Anything similar to the above	Mon - Sun 09:00 - 01:00
Late night refreshment	Mon - Sun 23:00 - 01:00
Supply of alcohol	Mon - Sun 09:00 - 01:00
Opening times	Mon - Sun 09:00 - 01:30
Non Standard timings	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Background

6. A copy of the application is attached at Annex 1, and a copy of the club premises certificate currently in force, which gives full details of the licensable activities and hours authorised, is attached at Annex 2.

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 premises will continue to be affiliated to the Club and Institute Union.
9. The prevention of crime and disorder
 - a) CCTV will monitor the arrivals and departures at the main entrance.

10. Public safety

- a) The premises will comply with Health & safety and fire regulations.

11. The prevention of public nuisance

- a) When music is played all reasonable steps will be taken to avoid any disturbance to neighbouring properties.

12. The protection of children from harm:

- a) Signs will be displayed in the premises prohibiting the sale of alcohol to children.

Special Policy Consideration

13. This premise is not located within the special policy area.

Consultation

14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors 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. The North Yorkshire Police have mediated with the applicants who have agreed to a list 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. Relevant representations have been received from Huntington Parish Council and a local resident. These representations are 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.

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

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Report Approved **Date** 08/01/2016

Specialist Implications Officer(s)
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Wards Affected: Huntington/New Earswick

For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Club premises certificate
- Annex 3** - Police agreed conditions
- Annex 4** - Copies of representations
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations