
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

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Report
Approved



Date 16/02/2017

Specialist Implications Officer(s)

Assistant Director Legal & Governance
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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