
Licensing Act 2003 Sub Committee

21 August 2017

Report from the Assistant Director – Planning & Public Protection

**Section 18(3) (a) Application for a Premises Licence for 7 Kings
Staith, York, YO1 9SN.**

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-058743
3. Name of applicant: Mr Shaun Binns & Mrs Jamie-Leigh Binns.
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
Recorded Music (indoors only)	Mon – Sun 08:00 – 00:00
Sale of alcohol (on & off sales)	Mon – Sun 08:00 – 00:00
Opening times	Mon – Sun 08:00 – 00:30

Background

6. A copy of the application is attached at Annex 1. A copy of the plan of the premises is attached at Annex 2.
7. There is currently a premises licence in force for the premises. A copy of this licence is attached at Annex 3.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. General
 - a) The premises shall trade predominantly as a restaurant / bistro and substantial food and non-intoxicating drinks shall be available at all times the premises are trading.
 - b) There will be a minimum of 30 table covers available at all times the premises are trading.
 - c) Customers will be served by way of waiter/waitress service.
10. The prevention of crime and disorder
 - a) A colour CCTV system shall be installed to cover the licensable area and be operational and recording at all times when licensable activities take place.
 - b) The CCTV equipment shall have constant time / date generation which must be checked on a daily basis for accuracy.
 - c) The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
 - d) North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
 - e) It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
 - f) There shall be a minimum of 1 door supervisor on duty at the premises from 17:00 hours to close of business on:
 - i. the Sunday preceding a Bank Holiday;
 - ii. when public access horse racing is undertaken at York Racecourse (save for the first meeting in May, the family day in September and the last meet in October);

- iii. at other times the need for door supervisors will be assessed by way of risk assessment (with consideration given to any river event / festival).

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).

- g) Other than to supply the external area shown upon the deposited plan, alcoholic drinks may only be taken off premises in sealed containers.
- h) The premises shall operate the Challenge 21 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology, eg thumb print or pupil recognition, is adopted by the Premises Licence Holder).

11. Conditions applicable to the Outside Area:

- a) The outside area is to be staffed at all times and by employees aged 18 or over.
- b) Only semi-permanent in-filled barriers to be used to define the perimeter of the outside area.
- c) Customers will only be served by way of table service in the outside area, shall only consume alcohol in this area while seated, and shall not be allowed to purchase drinks from inside 7 Kings Staith or to carry any drinks from inside the premise to their table.
- d) All drinks shall be served in non-glass vessels only. For glass bottled drinks, the drink is to be decanted into non-glass vessels.
- e) No drinks shall be permitted to leave the outside area.
- f) Staff in the outside area will be in radio contact at all times with 7 Kings Staith, York.
- g) Supply of alcohol will be from 10:00 hours to 21:00 hour each and every day.

- h) Tables, chairs and semi-permanent barriers shall only be placed outside the premises, as defined on the plans, between 10:00 hours and 21:30 hours daily.

Special Policy Consideration

12. The premise is located within the special policy area approved by full council on 27th March 2014. A copy of the policy is attached at Annex 4.

Consultation

13. 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.
14. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

15. There were no representations from responsible authorities.

Summary of Representations made by Other Parties

16. One relevant representation has been received from another party and this is attached at Annex 5.
17. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

18. There are no planning issues regarding this application.

Options

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

21. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
22. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
23. Option 4: Reject the application.

Analysis

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

Council Plan

29. 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.
30. 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

31.
 - **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

32. 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.
33. 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

34. 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:

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Assistant Director for Planning and
Public Protection

**Report
Approved**



Date 01/08/2017

Specialist Implications Officer(s)

Assistant Director – Legal & Governance
Ext: 1004

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers: N/A

Annexes:

- Annex 1 - Application form
- Annex 2 - Plan of premises
- Annex 3 - Copy of current premises licence
- Annex 4 - Special policy
- Annex 5 - Representation
- Annex 6 - Map of area
- Annex 7 - Mandatory Conditions
- Annex 8 - Legislation and Policy Considerations