
Licensing Act 2003 Sub Committee

14 May 2018

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Holtby Grange, Holtby Lane, York, YO19 5XQ

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-060806
3. Name of applicant: Paul Rhodes
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The proposal is to allow for the provision of the following licensable activities:

Proposed Activity	Timings
Live Music (Indoors)	Monday to Sunday 11:00 – 01:00
Recorded Music (Indoors)	Monday to Sunday 11:00 – 01:00
Late Night Refreshment (Indoors)	Monday to Sunday 23:00 – 01:00
Supply of Alcohol (On sales only)	Monday to Sunday 11:00 – 01:00
Opening Hours	Monday to Sunday 11:00 – 01:00

Background

6. A copy of the application is attached at Annex 1. Copies of plans of the premises are attached at Annex 2.

Promotion of Licensing Objectives

7. The operating schedule shows how the applicant intends to address the four licensing objectives as follows:

General

- 1) Robust management controls and staff training will be implemented with particular attention to the licensing conditions, the licensing objectives and to the company objectives:
- Ensure no alcohol is sold to underage individuals.
 - Ensure no drunk and disorderly behaviour occurs.
 - Extra vigilance in preventing the use and sale of illegal drugs.
 - Minimise any danger to children.

Prevention of Crime & Disorder

- 2) Representatives will be on site at all times during operational hours:
- Refuse to sell alcohol to overly intoxicated individuals.
 - Keep all storage of alcohol in a secure, locked building.
 - CCTV on the premises.

Public Safety

- 3) Internal and external lighting fixed to adhere to health and safety requirements:
- Well trained staff to adhere to health and safety requirements.
 - Accident / incident book will be kept on site.
 - All aspects of the premises will be well maintained and kept in good order and safe condition.

Prevention of Public Nuisance

- 4) Prominent, clear and legible notices will be displayed at the exit, requesting the public to respect the needs of nearby residents and to leave the premises in a respectful and orderly manner.
- 5) Deliveries of goods necessary for the operation of the premises will be carried out a time and in such a manner as to prevent disturbance or nuisance to nearby residents.

Protection of Children from Harm

- 6) A challenge 25 sign will be displayed clearly behind the bar. This strategy will encourage anyone over 18 who looks under 25 to carry acceptable ID if they wish to buy alcohol.
- 7) The premises will be kept clean, safe and tidy at all times to minimise the risk of harm.

Special Policy Consideration

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

Consultation

9. 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.
10. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

11. North Yorkshire Police made a representation to the application but withdrew it when the applicant agreed to the following conditions being attached to the premises licence if granted:
 - 1) A colour CCTV system shall be maintained and operated at the premises. The CCTV shall be operational at all times licensable activities are taking place at the premises. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
 - 2) It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment should

unusual events take place and if they consider it appropriate will employ the same.

Staff Training

3) A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- retail sale of alcohol;
- age verification policy;
- conditions attached to the Premises Licence;
- permitted licensable activities;
- the licensing objectives; and
- 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.]

Incident & Refusals Register

4) 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:

- all crimes reported to the venue
- any complaints received regarding crime and disorder
- any incidents of disorder
- any refusal of sale of alcohol

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.]

5) No drinks shall be taken out of the licensed premises (or licensed area) onto the public highway.

6) Contact numbers for local taxi firm (s) shall be kept at the premises and made available to patrons requiring a taxi.

7) The use of explosives, pyrotechnics and fireworks of a similar nature shall not be used at the premises without written notification to the Licensing Authority.

12. The agreement is attached at Annex 3.

Summary of Representations made by Other Parties

13. Representations have been received from 19 residents on the grounds that all four of the licensing objectives would be undermined if the premises licence were to be granted. A list of representors is attached at Annex 4. Copies of the representations are attached at Annex 5.
14. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

15. There are no planning issues.

Options

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

Analysis

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

25. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

26. 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.
27. 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

28.

- **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

29. 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.

30. 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

31. 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 No. 01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public Protection.

**Report
Approved**

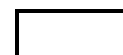


Date 27/04/2018

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Osbaldwick & Derwent



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - North Yorkshire Police mediated representation
- Annex 4** - List of Other Representors (Confidential)
- Annex 5** - Copy of representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations