
Licensing Act 2003 Sub Committee

30 August 2018

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Crooked Brewing Limited, Unit 3 Greenside House, The Green, Acomb, York, YO26 5LL

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-061548
3. Name of applicant: Crooked Brewing Limited
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:

Proposed Activity	Timings
Supply of Alcohol (On and Off the premises)	Monday to Sunday 11:00 – 00:00
Opening Hours	Monday to Sunday 11:00 – 00:00
Non Standard Timings for all licensable activities and Opening Hours	New Year's Eve 11:00 – 01:00

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.

Promotion of Licensing Objectives

7. The applicant has proposed numerous conditions in order to address the four licensing objectives. These conditions are attached

at Annex 3 as the operating schedule and form part of the application.

Consultation

8. 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.
9. All procedural aspects of this application have been complied with.

Special Policy Consideration

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

Summary of Representations made by Responsible Authorities

11. After mediation with North Yorkshire Police, the applicant agreed to the following conditions being attached to the premises licence if granted. The agreement is attached at Annex 4.
 - a) A full colour CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. The CCTV shall be operational at all times licensable activities are taking place at the premises. Recordings shall be retained for a period of 28 days and made available within a reasonable time upon request by the police.
 - b) The sale of alcohol will cease at 23:30 hours and closing time will remain at 24:00 hours.
 - c) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Summary of Representations made by Other Parties

12. One representation was received from other parties on the grounds that the protection of children from harm licensing objective would be undermined if the application were to be granted. Details of the representor are attached at Annex 5. A copy of the representation is attached at Annex 6.

13. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

14. There are no planning issues in relation to this application.

Options

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

Analysis

20. The following could be the result of any decision made this Sub Committee:-
21. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
22. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
23. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

25. 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.

26. 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

27.

- **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

28. 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.
29. 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

30. 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:

Mike Slater
Assistant Director for Planning and
Public Protection.

**Report
Approved**



Date 10/08/2018

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Acomb



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - Operating Schedule
- Annex 4** - Police Mediated conditions
- Annex 5** - Details of representor
- Annex 6** - Copy of representation
- Annex 7** - Plan of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations