

Licensing Act 2003 Sub Committee

17 September 2018

Report of the Director of Economy and Place

**Section 35(3) (a) Application for the variation of a premise licence for
The Bay Horse, Marygate, York, YO30 7BH**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009027
3. Name of applicant: Roots York Restaurant Limited
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is as follows:
 - a) **Extension of existing licensed hours** as follows:

Licensable Activities	Existing Hours	Proposed Hours
Films (Indoors)	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30	As existing
Indoor Sporting Events	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30	As existing
Live Music (Indoors)	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30	As existing
Recorded Music (Indoors)	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30	As existing

Performances of Dance (Indoors)	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30	As existing
Late Night Refreshment (indoors)	Not required	Monday – Sunday 23:00 – 23:30
Supply of Alcohol (on & off the premises)	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30	Monday to Sunday 11:00 – 23:30
Opening Hours	Monday to Saturday 11:00 – 23:30 Sunday 12:00 – 23:00	Monday – Sunday 11:00 – 00:00
Non-Standard Timings for all activities including opening times	New Year's Eve from 10:00 From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day	As existing

b) Removal of following Conditions from Annex 2 of the current premises licence:

1. Risk assessments are undertaken.

8. The maximum occupancy should not exceed 60 persons in the first floor function room. The maximum occupancy of the ground floor should not exceed 100 persons.

12. Children under the age of 16 shall not be permitted to enter the premises after 21:00 hours.

Background

6. A copy of the existing premises licence is attached at Annex 1.

7. A copy of the application to vary the licence is attached at Annex 2.

Promotion of Licensing Objectives

8. In addition to the remaining existing conditions, the applicant proposes the following:

CCTV will be installed in all areas of the premises.

Special Policy Consideration

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

Consultation

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

Summary of Representations made by Responsible Authorities

12. There were no representations from responsible authorities.

Summary of Representations made by other persons

13. There was one representation received from other persons. Details of the representor is attached at Annex 3. Copy of the representation is attached at Annex 4.
14. A map showing the general area around the venue is attached at Annex 5.
15. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

16. There are no planning issues.

Options

17. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision:-
18. Option 1: Grant the variation of the licence in the terms applied for.
19. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
20. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
21. Option 4: Reject the application.
22. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

Analysis

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

Council Plan

28. 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.

29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

30.

- **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

31. 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.

32. 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

33. 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:

Michael Slater
Assistant Director Planning & Public Protection.

**Report
Approved**



Date 04/09/ 2018

Specialist Implications Officer(s):

Assistant Director – Legal & Governance
Ext: 1004

Wards Affected: Micklegate

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application form
- Annex 3** - Details of representor (Exempt)
- Annex 4** - Copy of representation
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations