

Licensing Act 2003 Sub Committee

4 July 2019

Report from the Assistant Director – Planning & Public Protection

Section 35(3) (a) Application for variation of a premises licence for The Corner Pin, Tanner Row, York, YO1 6JB

Summary

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-008996
3. Name of applicant: Marston's PLC
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application: The variation seeks to extend the licensable hours on Fridays and Saturdays until 03:00, closing 30 minutes later. The variation also seeks to extend all licensable activities by one hour on the commencement of British Summertime.

| Licensable Activities | Existing Hours | Proposed Hours |
|---|---|--|
| Sale of Alcohol (On and Off the premises) | Mon to Weds 10:00 – 00:00 Thurs to Sat 10:00 – 01:00 Sun 11:00 – 00:00 | Fri & Sat 10:00 – 03:00 All other days to remain unchanged |
| Films Indoor sport Live music Recorded music Performance of dance | Mon to Weds 10:00 – 23:30 Thurs to Sat 10:00 – 00:30 Sun 11:00 – 23:30 | Fri & Sat 10:00 – 03:00 All other days to remain unchanged |
| Late night | Mon to Weds | Fri & Sat |

| | | |
|---------------|---|---|
| refreshment | 23:00 – 00:15 Thurs to Sat 23:00 – 01:15 Sun 23:00- 00:15 | 23:00 – 03:00 All other days to remain unchanged |
| Opening Hours | Mon to Weds 10:00 – 00:30 Thurs to Sat 10:00 – 01:30 Sun 11:00 – 00:30 | Fri & Sat 10:00 – 03:30 All other days to remain unchanged |

Background

6. A copy of the application to vary the licence is attached at Annex 1.
7. A copy of the current licence is attached at Annex 2. The plan of the premises remains unchanged and is included at Annex 2 for information only.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

General

I have undertaken my own risk assessment and propose to take the following steps.

The variation is not anticipated to adversely affect the four licensing objectives and the conditions to remain on the licence are assessed to be sufficient for the proposals.

No new steps have been identified in the relation to the four licensing objectives save as below

The prevention of crime and disorder

No further risks have been identified which need to be addressed

Public Safety

No further risks have been identified which need to be addressed

The prevention of public nuisance

No further risks have been identified which need to be addressed

The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified

Cumulative Impact Assessment Area

10. This premises is located within the cumulative impact assessment area approved by full Council on 21 March 2019. Detail of the assessment can be found at Annex 3.

Consultation

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

Summary of Representations made by Responsible Authorities

13. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application. However the representation has been withdrawn as the police and applicants have agreed to additional conditions. The agreed conditions can be seen at Annex 6.

Summary of Representations made by Other Parties

14. There was one representation received from 'other persons' mainly on the grounds that the 'prevention of public nuisance' licensing objective will be undermined if the variation is granted. The details of the representor are included in the list attached at Annex 4. A copy of their representation is attached at Annex 5.
15. A map showing the general area around the venue is attached at Annex 9.

Planning Issues

16. There are no outstanding 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 licence in the terms applied for.
19. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
20. Option 3: Grant 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.

Analysis

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

Council Plan

27. 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.
28. 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

29.

- **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

30. 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.
31. 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

32. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

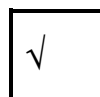
Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public
Protection

**Report
Approved**

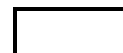


26 June
2019

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

Statement of Licensing Policy and Cumulative Impact Assessment

https://www.york.gov.uk/info/20169/business_licences/1208/yorks_licensing_policy

Annex 1 - Application form

Annex 2 - Current licence and plans

Annex 3 - Special Policy - Cumulative Impact Assessment

Annex 4 - List of representors

Annex 5 - Other persons representation

Annex 6 - Police representation with agreed conditions

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy Considerations

Annex 9 - Map of area