

**Licensing Act 2003 Sub Committee**

**22 August 2019**

Report from the Assistant Director – Planning & Public Protection

**Section 18(3) (a) Application for a premises licence for Playhouse, 2 Cumberland Street, York, YO1 9SW**

**Summary**

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-064645
3. Name of applicant: Playhouse Bar Ltd
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 activities:

<b>Proposed Activity</b>	<b>Timings</b>
Live Music (indoors)	Monday to Sunday 12:00 – 23:00
Recorded Music (indoors)	Monday to Sunday 11:00 to 02:00
Performance of Dance (indoors)	Monday to Sunday 11:00 – 02:00
Late Night Refreshment (indoors and outdoors)	Monday to Sunday 23:00 to 02:00
Sale of alcohol (on & off sales)	Monday to Sunday 11:00 to 02:00
Opening times	Monday to Sunday 11:00 to 02:30
Non-Standard Timings for all licensable activities	An additional hour on New Year's Eve and bank holiday Sundays

## **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. This premises was previously licensed as a restaurant, most recently known as the Cat's Pyjama's. The premises licence holder was declared insolvent in March 2019.
8. Under Section 27 of the Licensing Act 2003, a premises licence lapses if the holder of the licence becomes insolvent.

## **Promotion of Licensing Objectives**

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
10. General
  - a. Playhouse are fully aware of the licensing objectives and their responsibilities of upholding these.
11. The prevention of crime and disorder
  - a. A full colour CCTV system is installed and recording available upon request.
  - b. Door supervisors are provided Mon to Sun and are SIA licensed; Mon to Thurs they will be on duty from 22:00 to close and Fri/Sat from 12:00 until close, Sun from 22:00 until close apart from Bank Holidays when they will be on duty 12:00 until close
13. Public Safety
  - a. A full fire risk assessment has been carried out and a safe occupancy figure given under the regulatory reform fire safety order.
14. The Prevention of Public Nuisance
  - a. From 23:00 all windows and doors will be kept closed apart from egress and ingress.
  - b. Signage will be provided asking customers to respect neighbours and leave quietly.

- c. Staff and door supervisors will direct customers to the nearest taxi rank across the road

15. The protection of children from harm

- a. Families will be welcome in the restaurant with children's menus provided, table tennis and games specifically tailored to under 16's.
- b. All proof of ID will be requested from any person who appears to be under the age of 25 years.

**Special Policy Consideration**

16. This premises is located within the cumulative impact assessment area approved by full council on 21 March 2019. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4.

**Consultation**

17. 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.
18. All procedural aspects of this application have been complied with.

**Summary of Representations made by Responsible Authorities**

19. 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. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
20. The Police representation is attached at Annex 5.

21. City of York Licensing Authority has made a representation on the grounds that the granting of this application would undermine the licensing objectives of both prevention of crime and disorder and prevention of public nuisance. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
22. The Licensing Authority representation is attached at Annex 6.
23. City of York Council Public Protection (Environmental Protection) has made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence was to be granted in the terms applied for. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA.
24. The Public Protection representation is attached at Annex 7.

### **Summary of Representations made by Other Parties**

25. There has been one relevant representations received from other persons. The list of representors can be seen at Annex 8.
26. The representation is based on the grounds of the prevention of public nuisance and the prevention of crime and disorder and can be seen at Annex 9.
27. A map showing the general area around the venue is attached at Annex 10.

### **Planning Issues**

28. This premises has A3 planning usage to be a restaurant/cafe, and has recently (June 2019) received B1 usage to be offices.

### **Options**

29. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
30. Option 1: Grant the licence in the terms applied for.
31. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.

32. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
33. Option 4: Reject the application.

### **Analysis**

34. The following could be the result of any decision made this Sub Committee:-
35. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
36. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
37. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
38. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Council Plan**

39. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
40. 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**

41.
  - **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**

42. 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.
43. 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**

44. Members determine the application.

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

## **Contact Details**

**Author:**

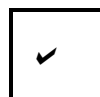
Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director for Planning and Public  
Protection.

**Report  
Approved**

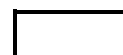


**12/08/2019**

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - Cumulative Impact Assessment
- Annex 4** - Section 9 – Cumulative Impact
- Annex 5** - North Yorkshire Police Representation
- Annex 6** - Licensing Authority Representation
- Annex 7** - EPU Representation
- Annex 8** - List of Representors
- Annex 9** - Other Person Representation
- Annex 10** - Map of area
- Annex 11** - Mandatory Conditions
- Annex 12** - Legislation and Policy Considerations