
Licensing Act 2003 Sub Committee

4 August 2008

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Castle Takeaway, Unit 4, Acomb Wood Shopping Centre, Acomb Wood Drive, York, YO24 3XN

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-014096.
3. Name of applicant: Memet Koyupinar.
4. Type of authorisation applied for: Grant of a premises licence.
5. Summary of application: The nature of the application is the grant of a premises licence to allow the provision of late night refreshment Monday to Saturday 23:00 hours to 03:00 hours and Sunday 23:00 hours to 00:00 hours.

Background

6. A copy of the application is attached at Annex 1.

Promotion Of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. The prevention of crime and disorder: CCTV recording.
9. Public safety: No steps proposed.
10. The prevention of public nuisance: No steps proposed.
11. The protection of children from harm: No steps proposed.

Special Policy Consideration

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

Consultation

13. 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.
14. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

15. A representation to the application was received from North Yorkshire Police on the grounds of Prevention of Crime and Disorder and Public Nuisance. This representation was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence.
 - 1) CCTV will be installed to cover the premises. It will be maintained and working at all times that the premises are open. Copies of the recordings will be kept available for any relevant authority for 7 days.
 - 2) Upon closing the premises at the conclusion of business staff will undertake a general litter pick-up and tidy of the general area of the premises.

Summary of Representations made by Interested Parties

16. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
17. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which representations were received is attached at Annex 5. The representors were from the Acomb Wood Drive and Osprey Close areas.
18. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
19. 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

20. There are no planning restrictions or conditions applicable to this premise.

Options

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

Analysis

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

Corporate Priorities

31. 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.
32. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

33.

- **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

34. 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.
35. 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

36. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

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Report Approved



Date 21 July 2008

Specialist Implications Officer(s):

Quentin Baker
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Wards Affected: Dringhouses and Woodthorpe

For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of application form

Annex 2 (Confidential) - List of Interested Parties

Annex 3 - Copy of representations from Interested Parties

Annex 4 (Confidential) - Map of area indicating addresses of Interested Parties

Annex 5 - Map showing general area from which representations received

Annex 6 - Legislation and Policy Considerations