
Licensing Act 2003 Sub Committee

22 September 2008

Report of the Director of Neighbourhood Services

Section 52(2) review of premise licence for The Junction, Leeman Road, York, YO26 4XH

Summary

1. This report seeks Members determination of an application for a review of a premise licence which has been made under the Licensing Act 2003 in respect of The Junction, Leeman Road, York.
2. Name of applicant: PC952 Mick Wilkinson, North Yorkshire Police
3. Summary of review: This application to review relates to the following licensing objectives: Prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
4. A copy of the application to review is attached at Annex 1 and is summarised as follows: This application for review is based on numerous incidents at the premise over the last year which undermine the four licensing objectives. It is accompanied by case notes, letters, incident reports, inspection reports, letters, witness statements and downloads from the internet.
5. A copy of the premises licence is attached at Annex 2. Which resulted from the simultaneous conversion and variation of an existing licence. The variation of the licence was determined and granted at a hearing of the licensing sub-committee held on 11 August 2005.

Background

6. The applicant, in the capacity of 'responsible authority', has requested a review of the premises licence.
7. Members are reminded that a representation is only "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. This is in accordance with S52(7) and (8) of the Act.

8. 6 local residents are supporting the application listed at Annex 3 (confidential), Copies of their representations are attached at Annex 4. They live within the vicinity of the premise and their addresses are indicated on the map attached at Annex 5 (confidential) and Annex 6.
9. A further representation supporting the application has been received which is unsigned and no street number is given in the address, this is attached at Annex 7. This representation has been included for members information. In view of the final paragraph of the letter Officers understand why the letter is unsigned. Members are advised to be cautious when giving weight to this representation.

Other Relevant Information

10. There are no planning implications in relation to this application.
11. Copies of letters sent to the licence holder dated 4 December 2007, 5 February and 24 July 2008 from the Licensing Section are attached at Annex 8. These letters are in relation to alleged breaches of licence conditions and noise.
12. A copy of a letter sent to the premise dated 29 March 2007 from the City of York Council Environmental Protection Unit is attached at Annex 9. This letter is in relation to noise.

Consultation

13. Consultation was carried out by the Applicant and Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the notification of a review and the advertisement of review by licensing authority. Copies of the application were served on all responsible authorities and the premise licence holder. Notice of the application was displayed on the premises and on the exterior noticeboard at the Guildhall. In addition relevant Ward Councillors and Parish Councillors were informed by way of register.
14. As a result of the consultation 7 representations have been received from local residents, including the unsigned representation.
15. All procedural aspects of this review application have been complied with.

Options

16. By virtue of S52(4) of the Act, the Committee have the following options available to them in making their decision:-
17. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
18. Option 2: To exclude a licensable activity from the scope of the licence.

19. Option 3: To remove the designated premises supervisor.
20. Option 4: To suspend the licence for a period not exceeding three months.
21. Option 5: To revoke the licence.

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 the premises licence holder, the review applicant or any of the representors.
24. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
25. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
26. Option 4: This decision could be appealed by the premises licence holder.
27. Option 5: This decision could be appealed by the premises licence holder.

Corporate Priorities

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 priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

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, the holder of the premise licence 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

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Report Approved

Date 08/09/08

Specialist Implications Officer(s)

Quentin Baker
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Wards Affected: Holgate

For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of review application

Annex 2 - Copy of existing premises licence

Annex 3 (Confidential) - List of Interested Parties making representation

Annex 4 - Representations from Interested Parties supporting the application

Annex 5 (Confidential) - Map of area indicating addresses of Interested Parties

Annex 6 - Map showing general area from which representations received

Annex 7 - Unsigned representation from Interested Party

Annex 8 - Copies of letters from Licensing Section

Annex 9 - Copy of letter from CYC Environmental Protection Unit

Annex 10 - Legislation and Policy Considerations