
Licensing Act 2003 Sub Committee**11 April 2022**

Report from the Director – Environment, Transport & Planning

Section 35(3) (a) Application for variation of a premises licence for 2 Many Wines Ltd, 3 Bishopthorpe Road, York, YO23 1NA**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 068573
3. Name of applicant: 2 Many Wines Ltd
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises currently trades primarily as an off licence shop offering the customers the possibility of drink and food on site (this description is taken from the original application for grant of a premises licence made in May 2021). The variation seeks the following:

- a) The extension of hours for the supply of alcohol and provision of regulated entertainment from 23:00 to 02:00.
- b) The extension of the licensed area covered by the premises licence to include the area to the front pavement area on Bishopthorpe Road.
- c) To include the performance of plays as a licensable activity.
- d) The removal of Condition 7, Annex 2:

On sales of alcohol shall cease no later than 2230 on any given day.

Licensable Activity	Existing hours	Proposed hours
---------------------	----------------	----------------

Live Music – indoors & Outdoors	1000 to 2200 everyday	1000 to 0200 everyday
Recorded Music – Indoors and Outdoors	0900 to 2300 everyday	0900 to 0200 everyday
Performance of Plays – Indoors & Outdoors	Not currently licensed	1000 to 0200 everyday
Supply of Alcohol – on & off the premises	1000 to 2300 everyday	1000 to 0200 everyday
Opening hours	0900 to 2300 everyday	1000 to 0200 everyday

Since applying the applicant has modified the variation application following mediation with North Yorkshire Police and Public Protection, the licensable activities, proposed days and hours are now as follows:

Licensable activity	proposed
Live Music	To be removed from the licence
Recorded Music	To be removed from the licence
Performance of Plays	To be removed from the licence
Supply of Alcohol – on & off the premises	Sunday – Thursday 10:00 – 23:00 Friday & Saturday 10:00 - midnight
Opening Hours	Sunday – Thursday 09:00 – 23:30 Friday & Saturday 09:00 – 00:30

The external area shall only be open between 10:00 hrs and 21:00 hrs each day.

Background

6. A copy of the application can be found at **Annex 1**, including a plan of the premises.
7. A copy of the current licence and plan is attached at **Annex 2**. The licence was granted on 30 July 2021.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

Promotion of Licensing Objectives

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

10. **General**

N/A

11. The Prevention of Crime and Disorder

- Underage drinking – Training, checking ID
- Public drunkenness – best practice guidance, refusal
- Drugs – zero tolerance, police, CCTV
- Violence – CCTV, door staff

12. Public Safety

- Occupancy capacity – Number management
- Customer profile – Selection at the door
- Hours of operation – Respect of them

13. The Prevention of Public Nuisance

- Noise – Public information signs
- Hours of operation – Respect of them
- Occupancy capacity – Number management
- External lighting – Enough to see & be seen

14. The Protection of Children from Harm

- Exposed to drugs – Police, drug prevention, training
- Violence and disorder – limitation of hours for children
- Underage drinking - ID

Special Policy Consideration

15. This premises is not located within the cumulative impact assessment area.

Consultation

16. 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.

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

Summary of Representations made by Responsible Authorities

18. 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, following mediation with the applicant, where the applicant agreed to modify the application, the Police has withdrawn their representation. The agreed modifications and conditions can be found at **Annex 4**.
19. City of York Council Public Protection (Environmental Protection) have made representation on the objective of the prevention of public nuisance, following mediation with the applicant, where the applicant agreed to modify the applications, Public Protection has withdrawn their representation. The agreed modifications and conditions can be found at **Annex 5**.

Summary of Representations made by Other Parties

20. There have been seven relevant representations received from other persons. The list of representors is attached at **Annex 6**.
21. The representations are predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder. They state that these objectives will be undermined if the application is granted.
22. A copy of all the representations are attached at **Annex 7**.
23. A map showing the general area around the venue is attached at **Annex 8**.
24. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 9**. The Legislation and Policy considerations can be found at **Annex 10**.
25. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
26. Option 1: Modify the conditions of the licence
27. Option 2: Reject the whole or part of the application.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Analysis

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

Council Plan

31. 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.
32. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

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

Author:

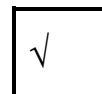
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report
Approved**

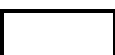


Date 31/03/22

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:

- Annex 1** - Application form and plan
- Annex 2** - Copy of current licence and plan
- Annex 3** - Overview of circumstances in which entertainment activities are not licensable
- Annex 4** - North Yorkshire Police Representation
- Annex 5** - Public Protection Representation
- Annex 6** - List of other persons - **CONFIDENTIAL**
- Annex 7** - Other persons representations
- Annex 8** - Map of area
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation & Policy