
Licensing Act 2003 Sub Committee**Date: 11 July 2022**

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for The Old Butcher's Coffee Shop, 16a York Street, Dunnington, York, YO19 5PN**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 - 070776
3. Name of applicant: Bad Habits Coffee Bar Limited
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 at a coffee shop/bistro at 16a York Street, Dunnington:

Proposed Activity	Timings
Supply of alcohol – on and of the premises	12:00 to 22:30 everyday
Opening hours	09:00 to 23:00 everyday

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises. Please note the above hours have been amended and reduced by the applicant from the hours in the original application form. **The timings stated in the table above are the hours being applied for.**

7. The premises is described in the application as a ground floor coffee shop and bistro that can accommodate 30 people, fully fitted with a commercial kitchen serving hot food.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

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

10. **General**

- Appropriate instruction, training and supervision of those employed.
- Adoption of best practice guidance
- Provision of litter bins and other security measures such as outside lighting

11. **The Prevention of Crime and Disorder**

- Effective and responsible management of the premises

12. **Public Safety**

- Provision of sufficient number of people employed or engaged to secure the safety of the premises and patrons

13. **The Prevention of Public Nuisance**

- Control of operating hours
- Collection and disposal of litter
- Appropriate instruction, training and supervision to prevent incidents of public nuisance

14. **The Protection of Children from Harm**

- Appropriate instruction, training and supervision of the staff in respect to determining the age of a customer

- Acceptance of accredited 'proof of age' cards and/or photo driving licences

Special Policy Consideration

15. This premises is not located within the cumulative impact 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 agreed with the applicant to add additional conditions to the licence if granted, the conditions can be found can be found at Annex 3. Therefore North Yorkshire Police do not oppose this application.

Summary of Representations made by Other Parties

19. There have been 2 relevant representations received from other persons. The list of representors is attached at Annex 4.
20. The representations are predominantly based on the grounds of the prevention of public nuisance objectives. They state that this objective will be undermined if the application is granted.
21. A copy of all the representations are attached at Annex 5.
22. A map showing the general area around the venue is attached at Annex 6.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 7. The Legislation and Policy considerations can be found at Annex 8.

Options

24. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
25. Option 1: Grant the licence in the terms applied for.
26. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
27. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
28. Option 4: Refuse to specify a person on the licence as premises supervisor.
29. Option 5: Reject the application.

Analysis

30. The following could be the result of any decision made this Sub Committee:-
31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.
35. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

36. 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.
37. 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

38.

- **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

39. 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.
40. 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

41. 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**

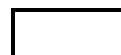


Date
21.06.2022

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Osbaldwick & Derwent



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Conditions agreed with North Yorkshire Police
- Annex 4** - List of Representors
- Annex 5** - Representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and policy