
Licensing Act 2003 Sub Committee

13 November 2008

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for The Poppleton Centre, Main Street, Upper Poppleton, York, YO26 6JT

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-014381
3. Name of applicant: Poppleton Community Trust.
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The nature of the application is to allow for the supply of alcohol and the provision of regulated entertainment consisting of plays, films, indoor sporting events, live and recorded music and performance of dance and the provision of entertainment facilities making music and dancing.

Background

6. A copy of the application is attached at Annex 1.
7. There is currently both a premises licence and a club premises certificate in existence for the premises.
8. The premises licence is for the provision of regulated entertainment, whilst the club premises certificate is for the both the supply of alcohol and the provision of regulated entertainment to club members.
9. Copies of these licences are attached at Annex 2 (premises licence) and Annex 3 (club premises certificate)
10. Because the application to supply alcohol is a substantial variation to the existing premises licence, the applicant has to apply for the grant of a new licence to allow for this additional provision.

11. Attached at Annex 4 is a schedule comparing existing and proposed licensable activities and hours of operation for the respective licences.

Promotion Of Licensing Objectives

12. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
13. General: 1)The applicant will continue the policies currently in place for the operation of the club premises certificate to ensure the premises are managed in accordance with their primary function which is to provide a community facility for the residents of Upper and Nether Poppleton and the surrounding area.
14. The prevention of crime and disorder: 1)The applicant will look to work closely with the local police to prevent any crime and disorder resulting from the use of the premises.
15. Public safety: 1) The applicant will conduct regular health and safety checks throughout the building to ensure that fire alarm equipment, fire extinguishers and fire exits are serviced and checked at appropriate times.
16. The prevention of public nuisance: 1) Every effort will be made to ensure that doors and windows are kept shut during the playing of music. 2) Members of the public attending events will be requested to show due consideration to neighbouring residents when leaving the premises. 3) The applicant will limit the number of times when alcohol shall be supplied beyond 23:00 hours on a Friday and Saturday to 24 occasions in any calendar year.
17. The protection of children from harm: 1) The manager of the centre and officers of the Trust and those persons working with children will be subject to Criminal Records Bureau checks. 2) Stringent ID checks will be imposed to ensure that alcohol is not sold to anyone under 18 years of age.

Special Policy Consideration

18. This premise is not located within the Special Policy area.

Consultation

19. 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.

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

Summary of Representations made by Responsible Authorities

21. A representation was received from North Yorkshire Police on the grounds of crime and disorder which was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted:

1. The premises primary use shall remain as a Community Centre.
2. All sales of alcohol made outside the main building (The Poppleton Community Centre) will be in vessels other than glassware.
3. All consumption of alcohol undertaken outside the main building, but within the external boundary of the Poppleton Community Centre, will be in vessels other than glassware.
4. All off sales that are taken away from the external boundary of the Community Centre shall be in sealed containers.
5. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
6. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
7. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of door supervisors should the need arise.
8. Documented records shall be kept of the occasions when the venue is used to serve alcohol beyond 23:00 hours on a Friday and Saturday.

22. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety which was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted:

1. The maximum permitted occupancy of the premises shall not exceed
 - Main Hall - 600 persons
 - Maypole Room with partition in place - 60 persons
 - Dodsworth Room with partition in place - 70 persons seated or 120 persons standing/dancing
 - Maypole and Dodsworth Rooms combined - 250 persons
 - Conservatory - 90 persons
 - Lounge - 58 persons
 - Lounge Extension (annexe) - 44 persons

Summary of Representations made by Interested Parties

23. Representations have been received from the interested parties listed at Annex 5, this includes a 35 name petition, although it should be noted that 7 of the signatories to the petition have also made individual representations. These representations are attached at Annex 6.
24. The addresses of the interested parties are indicated on the map attached as Annex 7.
25. 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.
26. 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.
27. Attached at Annex 8 is a copy of email correspondence between the applicant and the Licensing Section in relation to the application, in which the applicant responds to the representors concerns.

Planning Issues

28. There are no planning issues or conditions relevant to this application.

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.

Corporate Priorities

39. 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.
40. 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

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

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Report Approved



Date 27 October 2008

Specialist Implications Officer(s)

Quentin Baker
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Wards Affected: Rural York West

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of Premises Licence
- Annex 3** - Copy of Club Premises Certificate
- Annex 4** - Comparison schedule of licences
- Annex 5** - List of Interested Parties
- Annex 6** - Representations from Interested Parties
- Annex 7** - Map showing general area from which representations received
- Annex 8** - Correspondence from applicant
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation and Policy Considerations