
Licensing Act 2003 Sub Committee

14 September 2009

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for Askham Bryan College, Askham Bryan York YO23 3FR

Summary

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009442
3. Name of applicant: Askham Bryan College
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is to extend the existing hours for regulated entertainment and the sale of alcohol, so as to start at 09:00 hours and end at 02:00 hours every day and for the provision of late night refreshment until 02:00 hours.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.
8. A comparison of the existing hours and the proposed hours is attached 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: 1) All persons will be identified to prevent under 18s consuming alcohol on the premises. 2) The College has a zero tolerance drugs policy.
11. The prevention of crime and disorder: 1.) All events shall have SIA trained wardens and security on the doors and around the campus.

12. Public Safety. 1) CCTV operates in the Jubilee student bar area. 2) Glasses shall be collected regularly during the hours of consumption. 3) Plastic glasses are used for large student events and similar external events.
13. Public Nuisance. 1) The bar manager will not serve any person who appears to be under the influence of alcohol and will ensure there is no anti-social behaviour. 2) The bar manager and staff will constantly monitor the clientele in the bar area.
14. The protection of children from harm. 1) No persons under the age of 14 will be allowed in the bar areas. 2) All children will be accompanied by their parent or carer.

Special Policy Consideration

15. This premise is not located within the special policy 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. No representations were received from responsible authorities.

Summary of Representations made by Interested Parties

19. Representations have been received from 8 interested parties listed at Annex 4. Their representations are attached at Annex 5.
20. The location of the residential properties owned by the interested parties in relation to the premises subject to this application is shown on the map attached at Annex 6.
21. A plan showing the licensed areas within the College complex is attached at Annex 7.
22. 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.

23. 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

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

Options

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

Corporate Priorities

35. 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.
36. The promotion of the licensing objectives will support the Council's priority to make York a safer city with low crime rates and high opinions of the city's safety record.

Implications

37.

- **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

38. 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.
39. 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

40. 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 03 September 2009

Specialist Implications Officer(s):

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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 existing premises licence
- Annex 2** - Copy of application form
- Annex 3** - Comparison of existing and proposed hours of operation
- Annex 4** - List of Interested Parties
- Annex 5** - Copy of representations from Interested Parties
- Annex 6** - Map showing general area from which representations received.
- Annex 7** - Plan showing licensed areas within the College complex
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations