
Licensing Act 2003 Sub Committee

16 November 2009

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for The Reindeer Londis, 107 Penleys Grove Street, York, YO31 7PS

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-016561
3. Name of applicant: GSAI Group.
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 off the premises and for late night refreshment

Background

6. A copy of the application is attached at Annex 1.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. General: 1) CCTV system with recording facilities in place at site. 2) Appropriate staff training to be satisfactorily completed and recorded. 3) Training records can be made available for inspection upon reasonable request by a relevant officer of a Responsible Authority. 4) Refusals Book, Challenge 21 and PASS accredited proof of age initiative to be operated by all staff.
10. The prevention of crime and disorder: 1) CCTV (as above). 2) Spirits located behind the counter.
11. Public safety: 1) CCTV (as above).
12. The prevention of public nuisance: 1) Staff training and training records to be made available (as above).

13. The protection of children from harm: 1) Staff training and training records to be made available (as above). 2) Spirits locked behind counter (as above) 3) Challenge 21 and PASS accredited proof of age (as above)

Special Policy Consideration

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

Consultation

15. 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.
16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

17. No representations were received from responsible authorities.

Summary of Representations made by Interested Parties

19. Representations have been received from the interested parties listed at Annex 2. These representations are attached at Annex 3.
20. A map showing the general area around the venue from which the representation is focused is attached at Annex 4.
21. 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.
22. 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

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

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: Reject the application.

Analysis

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

Corporate Priorities

34. 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.
35. 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

36.
 - **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

37. 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.
38. 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

39. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

John Lacy
Licensing Manager
Licensing & Regulation

Ext: 1593

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Ext: 1814

Report Approved



Date 04 November 2009

Specialist Implications Officer(s)

Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Guildhall East

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - List of Interested Parties
- Annex 3** - Copy of representations from Interested Party
- Annex 4** - Map showing general area from which representation received.
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations.