

Licensing Act 2003 Sub Committee

23 August 2010

Report of the Director of Communities and Neighbourhood

Section 18(3)(a) Application for a premise licence for 13 Grape Lane, York YO1 7HU

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-017239
3. Name of applicant: Mrs Janice Robinson.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is to allow: -

Licensable Activity	Indoors / outdoors / both	Days	Hours	Non standard timings
Plays	Both	Monday – Sunday	10:00 – 23:00	Xmas Eve, Boxing Day and Sunday prior to Bank Holiday Mondays till 03:00
Films	Indoors	Monday – Sunday	10:00 – 01:30	As above
Live music	Indoors	Monday – Sunday	10:00 – 01:00	As above
Recorded music	Indoors	Monday – Sunday	10:00 – 02:30	As above
Performance of dance	Indoors	Monday – Sunday	10:00 – 02:30	None
Facilities for dancing	Indoors	Monday – Sunday	10:00 – 02:30	As plays
Facilities of a similar description to making music & dancing	Both	Monday – Sunday	10:00 – 02:30	As above

Late night refreshment	Indoors	Monday – Sunday	23:00 – 02:30	As above
Supply of alcohol	Both	Monday – Sunday	10:00 – 03:00	None
Opening hours		Monday – Sunday	08:00 – 03:30	None

Background

6. A copy of the application is attached at Annex 1.
7. This venue currently operates under a premises licence CYC 009245 which the applicant will surrender should this application be granted. A copy of this licence is attached at Annex 2
8. A new application, as opposed to a variation of the current licence, has been submitted as it includes a substantial proposed increase to the licensed area of the premises as well as extended timings for licensable activities.

Promotion Of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
10. General:
 - (a) All off sales shall be in sealed containers.
 - (b) A refusals register/incident book will be kept.
11. The prevention of crime and disorder:
 - (a) CCTV with recording facilities will be provided.
 - (b) Door supervisors will be provided should the need arise.
12. Public safety:
 - (a) Strengthened glassware will be used.
13. The prevention of public nuisance:
 - (a) Notices will be displayed at all exits requesting customers leave quietly.
14. The protection of children from harm:
 - (a) Acceptable I.D. shall be photo driving licence, passport or PASS logo identity cards.

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. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following conditions being attached to the licence if granted: -
 - (i) CCTV will be installed to cover the premises and will include all areas (including outside areas) to where the public have access. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced at Court or other such Hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of a request.
 - (ii) The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
 - (iii) Standard one-pint capacity, half pint capacity and "highball" tumbler drinking glasses will be of strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
 - (iv) Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
 - (v) All off sales shall be made in sealed containers.
 - (vi) Documented staff training will be given regarding the retail sale of alcohol and such records kept for at least one year.
 - (vii) An adequate number of Door Supervisors will be provided from 21:00 hours until the close of business on the following evenings: - i) Thursday, Friday and Saturday evenings, ii) on nights when the premises are open after 01:00 hours, iii) the evening before a bank holiday, iv) York race days (except for the May meeting and the Sunday meeting in September).
 - (viii) 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.

- (ix) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
- (x) 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.
- (xi) The venue shall partake in the York Pubwatch pager system.
- (xii) The external courtyard area shall not be used after 23:00 hours save for patrons using the area to smoke (where legally allowed). Patrons shall not consume alcohol in the external courtyard after 23:00 hours.
- (xiii) On the second floor of the premises alcohol shall only be served as ancillary to a meal or at a pre-booked function.
- (xiv) The only exception to the above condition shall be the cinema which shall be used as follows: - i) patrons shall remain seated whilst consuming alcohol, ii) alcohol shall only be served by way of table service, iii) there shall be no more than 30 patrons allowed in the cinema area.
- (xv) In the first floor ceremony room alcohol shall only be served as ancillary to a meal or at a pre-booked function.
- (xvi) For avoidance of doubt, a pre-booked function is one where there is at least 48 hours between the event being booked and commencement of the event.

19. A representation was received from City of York Council Environmental Protection Unit on the grounds of the prevention of a public nuisance. This was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted: -

- (i) All windows and doors shall be kept closed, except for access and egress, whilst entertainment is taking place.
- (ii) Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby premises.
- (iii) No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used in, or adjacent to, any part of the building at any time for the purpose of external use.
- (iv) All extractor fans and air conditioning units shall be maintained repaired and/or replaced as necessary.

Summary of Representations made by Interested Parties

20. Representations have been received from 3 interested parties who are listed at Annex 3. These representations are shown in Annex 4.

21. A map showing the general area around the venue from which the representations are focused is attached at Annex 5.
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 reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

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

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Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

**Report
Approved**



Date 24/08/2010

Specialist Implications Officer(s)

Head of Legal & Democratic Legal Services
Ext: 1004

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Copy of existing premises licence
- Annex 3** - List of Interested Parties
- Annex 4** - Representations from Interested Parties
- Annex 5** - Map showing general area from which representations received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations