

## Licensing Act 2003 Sub Committee

09 September 2010

Report of the Director of Communities and Neighbourhoods

### Section 18(3)(a) Application for a premise licence for York Designer Outlet, St. Nicholas Avenue, Fulford, York

#### 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-017250
3. Name of applicant: York Designer Outlet.
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
Films	Outdoors	Saturday Sunday	10:00 – 20:00 10:00 – 17:00	Occasional Fridays during June, July and August 10:00 – 20:00
Live Music	Both	Thursday Saturday Sunday	10:00 – 21:00 10:00 – 19:00 10:00 – 17:00	Bank Holidays 10:00 – 18:00
Performance of Dance	Both	As above	As above	As above
Anything of a similar description	Outdoors	Saturday Sunday	10:00 – 19:00 10:00 – 17:00	As above
Provision of facilities for making music	Both	Thursday Saturday Sunday	10:00 – 21:00 10:00 – 20:00 10:00 – 17:00	As above
Provision of facilities for entertainment of a similar description	Outdoors	Saturday Sunday	10:00 – 20:00 10:00 – 17:00	As above

## **Background**

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

## **Promotion Of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General:
  - (a) The centre is protected by 24-hour security and CCTV.
  - (b) All security staff shall be SIA registered and several are qualified first-aiders.
9. The prevention of crime and disorder:
  - (a) Staff use CCTV and radio communication to prevent crime and disorder.
  - (b) Security staff working on special events will monitor the centre and grounds to prevent any disorder.
10. Public safety:
  - (a) The centre has a Health and Safety Policy which covers all aspects of public safety including fire and life strategy and evacuation, welfare of the public, risk assessments of all activities and environmental issues. This policy is enforced by regular training of all staff and frequent monitoring and auditing of practices.
11. The prevention of public nuisance:
  - (a) Measures in place to prevent any activities causing a public nuisance including the control of noise in and around the centre, monitoring and controlling crowd numbers and the correct disposal of waste from the Centre.
12. The protection of children from harm:
  - (a) The centre uses CCTV and security patrols to survey the malls and ground during events.
  - (b) Signs showing information points for lost children are displayed.
  - (c) Any suspicious activity is reported to the appropriate authorities.

## **Special Policy Consideration**

13. This premise is not located within the special policy area.

## **Consultation**

14. 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.
15. All procedural aspects of this application have been complied with.

## **Summary of Representations made by Responsible Authorities**

16. 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) The hours of operation to be restricted to the following hours:- Thursday 10:00 – 19:00, Saturday 10:00 – 19:00, Sunday 10:00 – 17:00, Bank Holidays 10:00 – 18:00
  - (ii) The number of events to be restricted to 5 a year.
  - (iii) A noise management plan shall be submitted with the application and this noise management plan to be complied with.

## **Summary of Representations made by Interested Parties**

17. Representations have been received from 9 interested parties who are listed at Annex 2. These representations are shown in Annex 3.
18. A map showing the general area around the venue from which the representations are focused is attached at Annex 4.
19. 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**

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

## **Options**

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

## **Analysis**

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

## **Corporate Priorities**

31. 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.
32. 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**

33.

- **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**

34. 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.

35. 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**

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

## **Contact Details**

### **Author:**

John Lacy  
Licensing Manger

Tel No. 01904 551593

### **Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
Neighbourhood Services

**Report  
Approved**



**Date** 26/08/2010

## **Specialist Implications Officer(s)**

Head of Legal & Democratic Legal Services  
Ext: 1004

**Wards Affected:** Fulford

**For further information please contact the author of the report**

## **Background Papers:**

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