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## Licensing Act 2003 Sub Committee

1 July 2010

Report of the Director of Communities and Neighbourhood

### **Section 18(3)(a) Application for a premise licence for 98 Micklegate, York, YO1 1JX**

#### **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-017036
3. Name of applicant: Mrs Asma Chaudhry
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is to allow the provision of recorded music Monday to Sunday 11:00 – 04:00 hours and late night refreshment Sunday and Monday 23:00 – 04:00 hours and Tuesday to Saturday 23:00 to 05:00 hours. Opening times Sunday and Monday 11:00 – 04:00 hours and Tuesday to Saturday 11:00 – 05:00 hours.

#### **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: 1) CCTV will be provided. 2) Fire alarm and fire safety equipment will be provided. 3) Door supervision on Friday and Saturday evenings.

#### **Special Policy Consideration**

9. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The special policy was approved by

the licensing committee on 1 April 2005 and considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 4.

## **Consultation**

10. 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.
11. All procedural aspects of this application have been complied with.

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

12. Representations have been received from the City of York Council Environmental Protection Unit on the grounds of public nuisance, and North Yorkshire Police on the grounds of crime and disorder. They are attached at Annex 2. A location plan of the premise is attached at Annex 3.

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

13. No representations were received from interested parties.
14. 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**

15. The lawful planning useage of this premise is currently Class A3 “Restaurants and Cafes”, defined as “places where the primary purpose is the sale and consumption of food and light refreshment on the premises”. The current planning permission hours of operation approved are confined to 09:00 to 01:00 hours each day of the week, and all activity associated with the restaurant use on the premise shall cease by 01:00 hours each day.

## **Options**

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

## Analysis

21. The following could be the result of any decision made this Sub Committee:-
22. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
23. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
25. Option 4: This decision could be appealed at Magistrates Court by the applicant.

## Corporate Priorities

26. 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.
27. 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

28.
  - **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

29. 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.
30. 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

31. 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  
Assistand Director  
Neighbourhood Services

**Report  
Approved**



**Date**

21/06/10

## Specialist Implications Officer(s)

Head of Legal & Democratic Legal Services  
Ext: 1004

**Wards Affected: Micklegate**

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

## Background Papers:

- Annex 1** - Application form
- Annex 2** - Representations from Responsible Authorities
- Annex 3** - Location plan
- Annex 4** - City Centre Special Policy Statement
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations