
Licensing Act 2003 Sub Committee

29 November 2010

Report of the Director of Communities and Neighbourhood

Section 18(3)(a) Application for a premise licence for Unit 5, Audax Close, Clifton Moor, York YO30 4RA

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-017564
3. Name of applicant: Mr Ben Botham.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is as follows: -
 1. To provide for the sale of alcohol, off the premises 24 hours a day, 7 days a week.

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) This is an alcohol delivery service and the Clifton Moor address will not be open to or visited by the public at any time.
 - (b) Sales only to the address and not on the streets.
 - (c) ID required for every sale.
9. The prevention of crime and disorder:

- (a) An incident book to be used to record any problems or situations the police may need to know about.
10. Public safety:
- (a) All food and drinks can be delivered.
 - (b) ID required.
11. The prevention of public nuisance:
- (a) As all deliveries are to an address only there will be fewer people on the streets.
 - (b) No sales without an address.
12. The protection of children from harm:
- (a) Photo ID must be used and recorded for every sale.

Special Policy Consideration

13. This premise is not located within the 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. There were no representations received from Responsible Authorities.

Summary of Representations made by Interested Parties

17. A representation was received from an interested party on the grounds of crime and disorder. A copy of this representation is attached at Annex 2
18. A map showing the general area around the venue from which the representation is focused is attached at Annex 3.
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. 5 Audax Close was granted permission in 2005 as a light industrial unit and would fall within Class B1. The storage and distribution of drinks would be considered to be within class B8.

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

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Chief Officer Responsible for the report:

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Protection

Report
Approved



Date
18/11/2010

Specialist Implications Officer(s)

Head of Legal & Democratic Legal Services
Ext: 1004

Wards Affected: Skelton/Rawcliffe and Clifton Without

For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Representation from interested party
- Annex 3** - Map showing general area from which representation received
- Annex 4** - Mandatory Conditions
- Annex 5** - Legislation and Policy Considerations