
Licensing Act 2003 Sub Committee

24 January 2011

Report of the Director of Communities and Neighbourhoods

Section 18(3)(a) Application for a premise licence for 19 Micklegate, York, YO1 6JH

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-017746
3. Name of applicant: Riza Aygun.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the provision of late night refreshment between the hours of 23:00 and 05:00 every day.

Background

6. A copy of the application is attached at Annex 1.
7. This venue previously had a premises licence that was surrendered in October 2010. It was also for the provision of late night refreshment, operating between the hours of 23:00 and 04:00 every day. A copy of this licence, CYC-010909, is attached at Annex 2.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. The prevention of crime and disorder:
 - (a) CCTV system will be fully displayed.
10. Public safety:
 - (a) 'Caution Wet Floor' signs will be in place.
 - (b) Exits will clearly be shown.

11. The prevention of public nuisance:
 - (a) Noise to be kept to a minimum.
12. The protection of children from harm:
 - (a) No children to be allowed after 23:00 hours.

Special Policy Consideration

13. 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 initially approved by the licensing committee on 1 April 2005 and subsequently revised in 2010. A copy of the special policy statement is attached at Annex 6

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 has been received from North Yorkshire Police on the grounds of crime and disorder. A copy of this representation is attached at Annex 3

Summary of Representations made by Interested Parties

17. A representation was received from an interested party on the grounds of public nuisance. A copy of this representation is attached at Annex 4.
18. A map showing the general area around the venue from which the representation is focused is attached at Annex 5.
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.
26. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

Analysis

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

Corporate Priorities

32. 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.
33. 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

34.
 - **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

35. 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.
36. 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

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

Contact Details

Author:

John Lacy
Licensing Manager

Tel No. 01904 551593

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director– Housing & Public
Protection.

Report Approved Date 10 January 2011

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate

All

For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Copy of previous premises licence
- Annex 3** - Representation from North Yorkshire Police
- Annex 4** - Representation from Interested Party
- Annex 5** - Map showing general area from which representations received
- Annex 6** - City Centre Special Policy Statement
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations