

## Licensing Act 2003 Sub Committee

14<sup>th</sup> July 2011

Report of the Director of Communities and Neighbourhoods

### Section 18(3)(a) Application for a premise licence for The Lamb & Lion Inn, 4-6 High Petergate, York, YO1 7EH

#### 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-018449
3. Name of applicant: Slopingtactic Limited.
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	Days	Hours	Non standard timings
Plays and films	Indoors	Mon – Sun	10:00 – 00:00	
Indoor Sporting Events.		Mon – Sun	10:00 – 00:00	
Recorded Music	Indoors	Mon - Sun	10:00 – 01:00	Christmas Eve New Year's Eve 10:00 – 03:00
Late Night Refreshment	Indoors	Mon – Sun	23:00 – 00:30	
Supply of	Both	Mon – Sun	10:00 –	Christmas Eve New Year's Eve

Alcohol			01:00	10:00 – 03:00
Opening Hours		Mon – Sun	24 hours	

## Background

6. A copy of the application is attached at Annex 1.
7. This venue currently operates under a premises licence CYC 009245. A copy of this licence 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. General
  - (a) The licence shall exclude any adult entertainment or services, activities other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
  - (b) The occupancy figure for the ground floor and garden area of the premises shall not exceed 100 persons at any particular time.
10. The prevention of crime and disorder:
  - (a) Apart from residents of the hotel, members of the public shall not be allowed into the venue after 24:00 hours.
11. Public safety:
  - (a) CCTV will be installed to cover the premises. It will be maintained and working at all times that the premises are open. Copies of the recordings will be made available for any relevant authority for 28 days.
  - (b) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the Pass logo.
  - (c) Standard one pint capacity, half pint capacity and highball tumbler drinking glasses will be of tempered glass (tempered glassware) and

designed whereby in the event of breakage the glass will fragment and no sharp edges are left.

- (d) Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customer's care.
- (e) Documented staff training will be given regarding the retail of alcohol and such records will be kept accordingly.
- (f) A refusals register and incident report register shall be kept. Such documents will record incidents of staff refusal to underage or drunken people as well as incidents of anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from the relevant authority.
- (g) The premises shall participate in the York Pubwatch Pager scheme.
- (h) Signs shall be erected on the steps leading to the garden area indicating that the congregation of customers in this area is not permitted.

12. The prevention of public nuisance:

- (a) All customers not resident at the premises shall vacate the premises by 01:30 hours.
- (b) No alcohol shall be consumed by non-residents after that time.
- (c) No regulated entertainment is to take place in the rear garden area.
- (d) Prominent and clear legible notice shall be displaced at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- (e) The rear garden area shall be closed by 22:30 hours in its entirety on each and every day and all external artificial lighting extinguished.
- (f) Prominent notices shall be displayed in the garden area requesting patrons to respect the amenity interests of neighbouring properties and for staff to encourage compliance at all times.
- (g) All windows and doors opening up to the rear garden area of the premises shall be kept closed during any regulated entertainment.
- (h) Planting of shrubs and the erection of trellis or climbing plants along the length of the wall separating the premises from the rear garden of 9 Precentors Court.

- (i) The premises licence holder shall liaise regularly with local residents to ascertain any concerns they have relating to the use of the garden area and to seek to address those concerns in so far as operations make it reasonable.
- (j) The premises licence holder will consult and keep local residents informed of any applications for temporary event notices submitted to the Licensing Department concerning the garden area.

### **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. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following condition 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 to consume alcohol. 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 in 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 request.
  - (ii) Copies of the recordings will display the correct time and date of the recording.
  - (iii) 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)
- (iv) All off-sales shall be made in sealed containers (save for those sales specifically for consumption in any outside drinking areas attached to the premises).
  - (v) 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.

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

- 17. Representations have been received from 2 interested parties listed at Annex 3. Their representations are attached at Annex 4.
- 18. The location of the residential properties owned by the interested parties in relation to the premises subject to this application is shown on the map 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. The Council Planning department have confirmed that they have not received any ‘change of use’ planning applications from a restaurant with rooms to use as a pub with rooms. However, they do not wish to make any representation but note that “activities until late at night in the rear garden would be unacceptable”.

### **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:**  
Steve Waddington  
Assistant Director– Housing & Public Protection.

**Report  
Approved**

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**Date** 27 June  
2011

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall East**

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

## **Background Papers:**

**Annex 1** - Application form

**Annex 2** - Copy of current premises licence CYC-010833

**Annex 3** - List of Interested Parties

**Annex 4** - Copy of representations from Interested Parties

**Annex 5** - Map showing general area from which representations received

**Annex 6** - Mandatory Conditions

**Annex 7** - Legislation and Policy Considerations