

Report of the Director of Communities and Neighbourhoods

**Section 18(3)(a) Application for a premise licence for Montey's, 129 Micklegate, York YO16LB**

**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-019198
3. Name of applicant: Scottish & Newcastle Pub Company (Management) Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to provide the following licensable activities:-

<b>Licensable Activity</b>	<b>Indoors / outdoors</b>	<b>Days</b>	<b>Hours</b>	<b>Non standard timings</b>
Recorded Music	Indoors	Mon - Sat Sun	10:00 – 01:00 11:00 – 01:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
Provision of late night refreshment	Indoors	Mon -Sun	23:00 – 01:00	As above

Supply of Alcohol	On and off the premises	Mon – Sat Sun	10:00 – 01:00 11:00 – 01:00	As above
Opening Times		Mon – Sat Sun	10:00 – 01:30 11:00 – 01:30	As Above

## Background

6. A copy of the application is attached at Annex 1.
7. The application is being made due to the previous licence (CYC 008987) lapsing earlier this year due to insolvency of the previous licence holder and is being made to reinstate that licence without alteration. A copy of the previous 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. The prevention of crime and disorder:
  - (a) No irresponsible sales promotions of alcoholic beverages shall be offered to customers.
  - (b) No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public.
  - (c) A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.
10. Public safety:
  - (a) All fire doors be maintained effectively and shall not be held open other than by approved devices.
  - (b) Notices detailing the actions to be taken in the event of fire or other emergencies are prominently displayed.
11. The prevention of public nuisance:
  - (a) No regulated entertainment of any type shall take place outside the premise in any areas which are within the licence holder's

control after 22:00 hours, save for any special events seven days notice of which has been given to the Licensing Authority and Police

(b) When amplified musical entertainment is taking place inside the premises after 22:00 hours windows and doors will be kept shut.

### **Special Policy Consideration**

12. 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 6
13. 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.
14. All procedural aspects of this application have been complied with.

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

15. Representations have been made by North Yorkshire Police on the grounds of the prevention of crime and disorder and by the Council's Environmental Protection Unit on the grounds of public nuisance. They are attached at Annex 3

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

16. Representations have been received from 2 Interested Parties. Their representations are attached at Annex 4.
17. A map showing the general area around the venue from which the representations are focused is attached at Annex 5.
18. 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**

- 19 There are no planning issues.

## **Options**

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

## **Analysis**

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

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

### **Council Plan**

30. 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.
31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

### **Implications**

32.

- **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**

33. 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.
34. 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**

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

## Contact Details

**Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director– Housing & Public Protection.

**Report  
Approved**



**Date** 02/12/11



**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 licence CYC 008987
- Annex 3** - Copy of representations from Responsible Authorities
- Annex 4** - Copy of representations from Interested Parties
- Annex 5** - Map of area from which representations received
- Annex 6** - City Centre Special Policy Statement
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations