
Licensing Act 2003 Sub Committee

9 July 2006

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Pizza Box, 57 The Village, Haxby, York, YO32 2JE

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-013029.
3. Name of applicant: Mr Sukru Akgull.
4. Type of authorisation applied for: Grant of a premises licence.
5. Summary of application: The nature of the application is to permit the sale of alcohol from a takeaway food premise. The provision of alcohol will be ancillary to and restricted to delivered takeaway food orders only. Customers attending the premises for takeaway food will not be able to buy alcohol.

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: Alcohol is only to be delivered to homes with takeaway orders.
9. The protection of children from harm: ID will be requested for sale of alcohol.

Special Policy Consideration

10. This premise is not located within the special policy area.

Consultation

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

Summary of Representations made by Responsible Authorities

13. There were no representations from Responsible Authorities.

Summary of Representations made by Interested Parties

14. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
15. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which representations were received is attached at Annex 5.
16. An “interested party” is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
17. 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

18. This premise has permission to operate as a hot food takeaway to open in line with the hours as indicated in the application for the premises licence.

Options

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

23. Option 4: Reject the application.

Analysis

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

Corporate Priorities

29. 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.
30. 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

- 31.
- **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

32. 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.
33. 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

34. Members determine the application.

Contact Details

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Report Approved

Date 25 June 2007

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal & Democratic Legal Services

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Wards Affected: Haxby & Wigginton

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2 (Confidential)** - List of Interested Parties
- Annex 3** - Copy of representations from Interested Parties
- Annex 4 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 5** - Map showing general area from which representations received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations