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**Licensing Act 2003 Sub Committee****7th June 2012**

Report of the Director of Communities and Neighbourhoods

**Section 18(3)(a) Application for a premise licence for 69/71  
Micklegate, York YO1 6LJ****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-0204202
3. Name of applicant: Mr Abu Hasnath
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
Recorded music	Indoors	Mon - Sun	08:00 – 00:30
Late night refreshment	Indoors	Mon – Sun	23:00 – 24:00
Sale of alcohol	On the premises	Mon – Sun	08:00 – 00:30
Opening times		Mon – Sun	08:00 – 01:00

## **Background**

6. A copy of the application is attached at Annex 1.
7. This venue used to operate under the name of Los Locos with a premises licence CYC 015873 but the licence lapsed in August 2011 after the company holding the premises licence was dissolved. 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) CCTV system with recording facilities at site
  - b) All alcohol located behind the bar in the restaurant.
  - c) Appropriate staff training to be satisfactorily completed and recorded.
  - d) Training records can be made available for inspection upon reasonable request by a relevant officer of a responsible authority.
  - e) Appropriate training manual, refusal book, accredited proof of age initiative to be operated by all staff
  - f) Only beer, cider and wine available in the restaurant.
10. The prevention of crime and disorder:
  - a) As above
11. Public safety:
  - a) Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under customer care.
12. The prevention of public nuisance:
  - a) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

13. The protection of children from harm

- a) Accredited proof of age initiative to be operated by all staff.
- b) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- c) No children under 17 years of age shall be allowed entry to the premises unless accompanied by an adult.

**Special Policy Consideration**

14. This premise falls 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 full council on 7<sup>th</sup> January 2011. A copy of the special Policy Statement is attached at Annex 6

**Consultation**

15. 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.
16. All procedural aspects of this application have been complied with.

**Summary of Representations made by Responsible Authorities**

17. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following conditions being included in the licence if granted.

- i. All on-sales shall be ancillary to a table meal.
- ii. Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access to consume alcohol.
- iii. CCTV will be maintained, working and recording at all times when the premises are open.
- iv. The recordings should be of sufficient quality to be produced in Court or other such hearing.
- v. 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 48hrs of request.
- vi. Copies of the recordings will display the correct time and date of the recording.
- vii. Customers shall remain seated whilst consuming alcohol.
- viii. 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).
- ix. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
- x. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the Premises Licence; and the Opening Times of the venue. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.
- xi. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.

- xii. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
  - xiii. The venue shall partake in the York Night time Economy radio System.
18. The Council's Environmental Protection Unit has discussed the application with the applicant who in turn has agreed to remove the proposal for recorded music from the application.

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

19. Relevant representations have been received from 5 Interested Parties listed at Annex 3. Their representations are attached at Annex 4
20. A map showing the general area around the venue from which the representations are focused is attached at Annex 5
21. 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**

22. There are no planning issues.

### **Options**

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

## Analysis

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

## Council Plan

33. 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.
34. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## Implications

35.
  - **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**

36. 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.
37. 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**

38. That 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 &  
Community Safety.

Report  
Approved



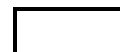
Date 28/05/12



### Specialist Implications Officer(s)

Head of Legal & Democratic Services  
Ext: 1004

Wards Affected: Micklegate



For further information please contact the author of the report

### Background Papers:

- Annex 1** - Application form
- Annex 2** – Copy of premises licence CYC 015873 re Los locos
- Annex 3** - List of representors
- Annex 4** - Copy of representations
- Annex 5** - Map of area from which representations received
- Annex 6** - Special Policy
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations