

Licensing Act 2003 Sub Committee

19 August 2013

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for a premise licence for Lendal Engine House, Museum Street, York, YO1 7DR

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-022222
3. Name of applicant: The Star Inn The City (York) Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the following:

Licensable Activity	Indoors/Outdoors	Days	Hours
Live music	Both	Mon – Thurs	08:00 – 01:00
		Fri - Sun	08:00 – 01:30
Recorded music	Both	Mon – Thurs	08:00 – 01:00
		Fri - Sun	08:00 – 01:30
Performance of dance	Both	Mon – Thurs	08:00 – 01:00
		Fri - Sun	08:00 – 01:30
Late night refreshment	Both	Mon – Thurs	23:00 – 01:00
		Fri - Sun	23:00 – 01:30

Sale of alcohol	Both	Mon – Thurs	08:00 – 01:00
		Fri - Sun	08:00 – 01:30
Opening times		Mon – Thurs	08:00 – 01:30
		Fri - Sun	08:00 – 02:00

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

- a) CCTV shall be installed and operating at all times.
- b) Trained staff shall be at the premises at all times the premises is open.
- c) The premises will be fully compliant with all aspects of health & safety, fire procedures, evacuation procedures, carrying out risk assessments, and COSHH assessments
- d) The venue will be fully insured.

9. The prevention of crime and disorder

- a) CCTV (as above)
- b) Staff will not serve anyone who is or appears to be drunk.
- c) Staff will be trained in how to deal with customers and how to defuse potentially difficult situations.

10. Public safety

- a) Clear health and safety signage
- b) Adequate internal and external lighting.
- c) Regular checks of the premises will be made to ensure health and safety procedures are complied with.
- d) Regular “in house” and external training will be provided for all staff.

11. The prevention of public nuisance

- a) Customer numbers shall be monitored to comply with fire regulations.
- b) There shall be close liaison with the Museum Gardens Trust security staff.
- c) The building has been ergonomically designed.

12. The protection of children from harm:

- a) Photographic identification shall be required from any person who appears to be aged under 21 years of age.

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. City of York Council's Environmental Protection Unit made representation to the application on the grounds of the prevention of public nuisance. Although mediation has taken place not all the conditions proposed by the EPU have been accepted by the applicants. A copy of the representation is attached at Annex 2.
17. The North Yorkshire Police proposed a list of 21 conditions which have been accepted by the applicants and these will be included in the licence if granted. These conditions are attached at Annex 3.

Summary of Representations made by Parties other than Responsible Authorities

18. Relevant representations have been received from 6 people listed at Annex 4. Their representations are attached at Annex 5
19. A map showing the general area around the venue from which the representations are focused is attached at Annex 6.

Planning Issues

20. The Council's Development Control Unit has not made a representation but will be contacting the applicants regarding the proposed operating hours. A copy of the planning permission for the site, ref no 09/01089/FUL, dated 23 June 2009 is attached at Annex 7 for reference.

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.

Council Plan

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 priorities to protect vulnerable people, build strong communities, and protect the environment.

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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**Report
Approved**



Date 06/08/2013

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

Wards Affected: Guildhall West



For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of Environmental Protection Unit representation
- Annex 3** - Copy of conditions agreed between police and applicant.
- Annex 4** – List of other representors
- Annex 5** - Copy of other relevant representations.
- Annex 6** - Map showing location of venue
- Annex 7** - Planning permission for venue
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations