

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for a premise licence for Frankie and Benny's, Unit 2, Vangarde Retail Park, Monks Cross, York.**

**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-022253
3. Name of applicant: The Restaurant Group (UK) Ltd.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is to allow for:
  - a) Provision of recorded music between the hours of 08:00 and 00:30 every day
  - b) Provision of late night refreshment between the hours of 23:00 and 00:30 every day
  - c) The supply of alcohol both on and off the premises between the hours of 10:00 and midnight every day.

**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) There will be waiter/waitress service throughout the restaurant area of the premises affording control and supervision.
- b) Substantial food will be available throughout licensed hours.
- c) CCTV will be installed in the premises and used during provision of licensable activities in the premises, such recordings to be retained for 28 days and to be made available to the licensing authority or the police on request.

9. Public safety

- a) A fire risk assessment will be conducted and implemented in the premises.

10. The protection of children from harm:

- a) The premises will adopt a Challenge 21 scheme.
- b) Staff to be trained in their responsibilities under the Licensing Act 2003. Records of staff training to be available for inspection by the licensing authority or responsible authorities upon reasonable request.

**Special Policy Consideration**

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

**Consultation**

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

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

14. The North Yorkshire Police have made a representation to the application on the grounds of crime and disorder. A copy of the representation is attached at Annex 2.

## **Summary of Representations made by Parties other than Responsible Authorities**

15. No other representations have been made.
16. A map showing the general area around the venue is attached at Annex 3.

## **Planning Issues**

17. There are no planning issues.

## **Options**

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

## **Analysis**

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

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

### **Council Plan**

28. 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.
29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

### **Implications**

30.
  - **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**

31. 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.

32. 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**

33. 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** 22/08/2013

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Huntington/New Earswick**

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

**Background Papers:**

- Annex 1** - Copy of application form
- Annex 2** - Copy of police representation
- Annex 3** - Map showing location of venue
- Annex 4** - Mandatory Conditions
- Annex 5** - Legislation and Policy Considerations