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## Licensing Act 2003 Sub Committee

17 September 2007

Report of the Director of Neighbourhood Services

### **Section 18(3)(a) Application for a premise licence for The Hospitium, Yorkshire Museum, Museum Street, York, YO1 7FR**

#### **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-013294.
3. Name of applicant: York Museums Trust .
4. Type of authorisation applied for: Grant of Premises Licence.
5. Summary of application: The nature of the application is to permit the sale by retail of alcohol, the provision of regulated entertainment consisting of live and recorded music and the provision of entertainment facilities for dancing, and the provision of late night refreshment.

#### **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: 1) Risk assessments in place. 2) Extensive training for events staff in relation to all four licensing objectives. 3) All events are private functions.
9. The prevention of crime and disorder: 1) Provision of security staff at all times for evening functions. 2) Limited numbers to events.
10. Public safety: 1) Risk assessments in place. 2) Safe working procedures in place. 3) First aiders and security staff on duty. 4) Fire practice and alarm tests in place.

11. The prevention of public nuisance: 1) Limiting volume of noise. 2) Keeping within parameters of licence.
12. The protection of children from harm: 1) Lost children policy in place. 2) Police checks for staff. 3) Parental/accompanying adults present at all times.

### **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. A representation was received from North Yorkshire Police on the grounds of crime and disorder. This representation was subsequently withdrawn when the applicant agreed that the following conditions be attached to the licence:
  - 1) ON sales:
    - i) Limited to the area highlighted in red on the plan of the premises.
    - ii) Sales only to guests attending a pre-arranged function (wedding /conference etc).
    - iii) On pre-arranged outside catering events (whether the pay bar is inside or outside the Hospitium) there will be the use of a Security Industry Authority (SIA) registered door supervisor in attendance.
  - 2) Off Sales – None (this will limit guests to consuming alcohol in the area highlighted in red on the premises plan).
17. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety. This representation was subsequently withdrawn when the applicant agreed that the following condition be attached to the licence: The maximum occupancy of the premises should not exceed 300 persons.
18. A representation was received from CYC Environmental Protection Unit on the grounds of public nuisance. This representation was subsequently withdrawn when the applicant agreed that the following condition be attached to the licence: Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

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

19. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
20. 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. The representors were from the Marygate, Marygate Lane, Esplanade Court and Westgate areas of York. A 65 name petition was also received from residents of Marygate, Marygate Lane, Esplanade Court, Hetheron Street and Westgate. This petition is attached at Annex 6 (confidential).
21. 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.
22. 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.
23. On 21 August 2007 a meeting took place between representatives of York Museums Trust; Janet Barnes, Chief Executive and Jane Nicholls, Events Manager, and two Marygate residents. The purpose of the meeting was to address residents concerns regarding the application in relation to the crime and disorder and public nuisance licensing objectives. The result of the meeting is recorded in the minutes of the meeting, copy attached at Annex 7.

## **Planning Issues**

24. There are no planning issues or restrictions in relation to this premise.

## **Options**

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

## **Analysis**

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

## **Corporate Priorities**

35. 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.
36. 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**

37.
  - **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**

38. 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.
39. 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**

40. Members determine the application.

## **Contact Details**

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**Report Approved**



**Date** 3 September 2007

**Specialist Implications Officer(s)**

Suzan Hemingway  
Head of Legal & Democratic Legal 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 (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 (Confidential)** - Copy of residents petition

**Annex 7** - Copy of minutes of meeting between York Museums Trust representatives and residents & copy of proposed conditions

**Annex 8** - Mandatory Conditions

**Annex 9** - Legislation and Policy Considerations and Note to Members