

## Licensing Act 2003 Sub Committee

19 September 2013

Report from the Assistant Director – Housing & Community Safety

### **Section 18(3)(a) Application for a premise licence for Heslington East Campus, Heslington, York YO10 5GE.**

#### **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-022409
3. Name of applicant: YUSU Commercial Services Ltd.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is to allow for:

| <b>Activity</b>                   | <b>Proposed Timings</b>                                    | <b>Proposed Location</b>                     | <b>Non Standard Timings</b>                                  |
|-----------------------------------|--|--|--|
| Plays                             | Mon – Sun<br>10:00 – 24:00                                 | Outdoors                                     |  |
| Films                             | Mon – Sun<br>10:00 – 24:00                                 | Outdoors                                     |  |
| Boxing or wrestling entertainment | Mon – Sun<br>10:00 – 24:00                                 | Outdoors                                     |  |
| Live music                        | Sun - Thurs<br>10:00 – 21:00<br>Fri – Sat<br>10:00 – 02:00 | Outdoors but may include temporary structure | All events with a capacity above 500 will finish at midnight |
| Recorded music                    | Sun – Thurs<br>10:00 – 21:00<br>Fri – Sat                  | Outdoors but may include temporary           | All events with a capacity above 500 will finish at midnight |

|                        |  |                         |  |
|------------------------|--|-------------------------|--|
|                        | 10:00 – 02:00  | structure               |  |
| Performance of dance   | Sun – Thurs<br>10:00 – 21:00<br>Fri – Sat<br>10:00 – 02:00 | Outdoors                |  |
| Late night refreshment | Fri – Sat<br>23:00 – 02:00                                 |                         | All events with a capacity above 500 will finish at midnight |
| Supply of alcohol      | Sun - Thurs<br>12:00 – 21:00<br>Fri – Sat<br>12:00 – 02:00 | on and off the premises | All events with a capacity above 500 will finish at midnight |
| Opening times          | Sun - Thurs<br>10:00 – 21:00<br>Fri – Sat<br>10:00 – 02:30 |                         |  |

## 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) All staff serving on premises will receive training in licensing law.
  - b) A personal licence holder will be present at each event.
  - c) Licensed SIA trained staff will be present for each event.
  - d) Stewards will be present at each event.
  - e) A responsible person will be present at each event.
  - f) First aiders will be present at each event.
  - g) The university health and safety procedures will be adhered to at all times.

9. Prevention of crime and disorder

- a) University security personnel will be on call and will have a visual presence at each event.
- b) Plastic vessels will be used when deemed appropriate.
- c) A zero tolerance policy will be taken on drugs.

10. Public safety

- a) A safety management plan will be submitted to the relevant parties prior to any event with more than 500 persons attending. This will provide a comprehensive overview to all planning aspects.

11. The Prevention of public nuisance

- a) All events over 500 people will finish by midnight.
- b) Noise limitation precautions will take place
- c) Local residents will be given adequate advanced notice of the event taking place.
- d) All events with amplified sound held between Sundays and Thursday will finish by 21:00hrs
- e) A risk assessment will be sent to all relevant parties.

12. The protection of children from harm

- a) All customers under the age of 18 will be clearly identified.
- b) No customers under the age of 17 will be allowed on the premises after 20:00hrs

13. The operating schedule shown on the application form also includes the following items which are not included in the above paragraphs:

- a) The venue will be primarily used for student events.
- b) Within the 12 events per year only one event will exceed 500 people in attendance. An events manual will be supplied in advance

to relevant parties for more specific information. This will include stewarding points/numbers, SIA trained staff numbers, first aid provision and crowd control /exit plan procedures. This event will not go past midnight and noise limiting precautions will be put in place.

- c) All events will be publicised via flyers to the local community and any event taking place midweek will finish at 21:00 hours.
- d) For all 12 events there will be SIA trained staff on site, protecting the licence. All staff operating on the premises will have received basic licensing training to ensure they uphold the licensing objectives.
- e) All events that take place will follow the University's event booking procedure which includes individual risk assessments and must be approved by the DPS.

### **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 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. The council's Environmental Protection Unit (EPU) has met with the applicant who has agreed to a number of conditions being added to the licence if granted, however they have not been able to agree on the details of a noise management plan and this has resulted in a representation by EPU on the grounds of public nuisance. A copy of the representation is attached at Annex 2.

17. North Yorkshire Police have met with the applicants who have agreed to all the police's proposed conditions being added to the licence if granted and as such there is no representation from the police. These conditions are listed at Annex 2A.

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

18. Relevant representations have been received from 23 people who live in the area. Their details are shown at Annex 3 and their representations at Annex 4.
19. A map showing the general area around the venue is attached at Annex 5.

### **Planning Issues**

20. There are no planning issues.

### **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**

### **Author:**

Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

### **Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**

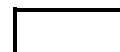


**Date** 10/09/13

### **Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Heslington**



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

**Background Papers:**

- Annex 1** - Copy of application form
- Annex 2** - EPU representation
- Annex 2A** - Police conditions
- Annex 3** - List of representors
- Annex 4** - Copies of representations
- Annex 5** - Map showing location of venue
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations