

Licensing Act 2003 Sub Committee

2nd October 2013

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for a premise licence for Alcuin College-
Alcuin Bistro, University of York, Heslington, York, YO10 5DD.**

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-022439
3. Name of applicant: Commercial Services.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is to allow for:

Activity	Proposed Timings	Proposed Location
Plays	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors
Films	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors
Live music	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors
Recorded music	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors

Performance of dance	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors
Anything similar to music and dance	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors
Late night refreshment	Mon – Sat 23:00 – 03:00 Sun 23:00 – 24:00	Indoors and outdoors
Supply of alcohol	Mon – Sat 10:00 – 03:00 Sun 12:00 – 24:00	Indoors and outdoors
Opening times	24 hours a 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 by complying with university policy documents. These policies are shown in Annex 2 and the Licensed Premises Drug Policy at Annex 3.
8. General
- a) Social Responsibilities Policy.
9. Prevention of crime and disorder
- a) Anti Social Behaviour Policy.
- b) Licensed Premises Drugs Policy October 2004.
10. Public safety
- a) Alcohol Harm Reduction Policy.

11. The Prevention of public nuisance
 - a) Local Environment Policy (including Noise Pollution Management).

12. The protection of children from harm
 - a) Protection of Children from Harm Policy.

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. North Yorkshire Police have met with the applicants who agreed to a series of conditions being added to the licence if granted and as such there is no representation from the police. These conditions are listed at Annex 4.

Summary of Representations made by Parties other than Responsible Authorities

17. Relevant representations have been received from 9 people who live in the area. Their details are shown at Annex 5 and their representations at Annex 6.
18. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

19. There are no planning issues.

Options

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

Analysis

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

Council Plan

30. 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.
31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

32.

- **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

33. 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.
34. 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

35. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

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Chief Officer Responsible for the report:

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Assistant Director
Housing & Community Safety.

**Report
Approved**



Date Xx/ 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** - University operating schedule policies
- Annex 3** - University Drugs Policy
- Annex 4** - Police agreed conditions
- Annex 5** - List of representors
- Annex 6** - Copies of representations
- Annex 7** - Map showing location of venue
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations