

Licensing Act 2003 Sub Committee

25th March 2014

Report from the Assistant Director – Housing & Community Safety
Section 18(3)(a) Application for a premise licence for Monk Stray, Heworth, 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-023066
3. Name of applicant: City of York Council.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow the following:

<u>Licensable Activities</u>	<u>Indoors/ Outdoors</u>	<u>Day</u>	<u>Hours</u>
Plays	Both	Mon Tues – Thurs Fri Sat – Sun	10:00 – 22:00 12:00 – 22:00 12:00 – 23:00 10:00 – 23:00
Films	Both	Mon Tues – Thurs Fri – Sun Sun 06/07/14 re Tour de France	10:00 – 23:00 10:00 – 22:00 10:00 – 23:00 07:30 – 23:00
Live music	Both	Mon Tues – Thurs Fri – Sun Sun 06/07/14 re Tour de France	12:00 – 23:00 12:00 – 22:00 12:00 – 23:00 09:00 – 23:00

Recorded music	Both	Mon - Fri Sat – Sun Sun 06/07/14 re Tour de France	12:00 – 23:00 10:00 – 23:00 08:00 – 23:00
Performance of dance	Both	Mon Tues – Thurs Fri Sat Sun	12:00 – 23:00 12:00 – 22:00 12:00 - 23:00 11:00 – 23:00 12:00 – 23:00
Anything similar to the above activities	Both	Sat Sun	09:00 – 23:00 09:00 – 22:00
Late night refreshment	Both	Between 28/06/14 and 07/07/14	23:00 – 05:00
Sale of Alcohol	Both	Mon – Thurs Fri – Sun	12:00 – 22:00 12:00 – 23:00
Opening times		No restrictions	

The applicant is also proposing that the licence shall only be used for a maximum of 14 days in any year.

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 events held on the land will be family events and will be operated in accordance with the Purple Guide and Terms and conditions specified by the licence granted.
9. The prevention of crime and disorder
 - a) All events will be stewarded in accordance with the Purple Guide and all aspects taken to ensure a safe event.

10. Public safety

- a) All events will be planned with health and safety as a top priority in accordance with the City of York Council Terms and Conditions including our Event Protocol (attached).

11. The prevention of public nuisance

- a) All events will be monitored in accordance with Environmental Protection Unit Guidelines and the terms and conditions set down for the use of Council Land and our Events Protocol.

12. The protection of children from harm

- a) All events will be family events and all possible steps taken to ensure child safety in accordance with legislation and City of York Council Safeguarding policy.

13. The following additional conditions have been proposed by the applicant for inclusion on the licence if granted:

- a) Event organisers shall submit a completed copy of the form “Notification for Provision of Live Amplified Music for Event booked on City of York Council Controlled Land”, together with a detailed plan showing exact layout of the site and proposed sound monitoring locations at least 28 days before the event. A copy shall be sent to the Environmental Protection Unit and also the Licensing Unit. The notification shall include a sample of the leaflet to be sent to comply with the condition below and which addresses will receive the leaflet.
- b) Prior to an event, noise sensitive premises in close proximity shall be leafleted about the event, information shall include details of the performance times and any sound checks taking place. Contact telephone numbers for a representative of the organiser shall be provided in any leaflets/letters distributed to premises in the vicinity. On receipt of complaints, the event organiser shall ensure that all complaints are dealt with in accordance with the Complaints Procedure Document.
- c) The event organiser shall appoint a responsible person who will undertake regular monitoring of the noise from the event. This

person will undertake a documented sound check prior to or at the start of the event to ensure that the sound levels are acceptable. The documented patrols shall be undertaken at least once per hour, or for each separate act taking place, whichever is the more frequent. The monitoring at each location shall be for a representative period whilst the act is taking place (at least 5 minutes) and the observations shall be recorded on the Sound Monitoring Log Sheet. The actions taken shall be dependent on the observations made by the designated responsible person and shall be in accordance with the actions stated on the monitoring log sheet.

- d) For all events in which alcohol is to be sold a 28 day notification shall be given to the police. The police will have the right to veto such sales upon submission of written, reasonable and justified grounds served within 14 days of the event. The date of notification and the date of the commencement of the event shall not form part of the 14 or 28 day notification period.
- e) For all events where alcohol is to be sold Front Line Door Supervisors shall be deployed at all entrance points leading to where alcohol is available for sale and consumption.
- f) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the number of Door Supervisors depending on the style of the event.
- g) On-sales of alcohol shall be in open non glass vessels and containers only, which will include the decanting of alcohol where necessary.
- h) On-sales of alcohol shall be ancillary to the event i.e. there shall be no events (civil, military, family events as per the Operating Schedule) that are based on the sale of alcohol.
- i) Off-sales shall be made in sealed containers.
- j) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible

Authority and will be kept for a period of at least 3 months from the end of the event.

- k) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- l) Signage advertising the above condition shall be displayed at all points where alcohol is offered for sale.
- m) There shall, be a litter pick of the area upon the conclusion of the event or daily conclusion should the event be held over a number of days, with particular emphasis on any glass items that have been brought onto the site by customers.

Special Policy Consideration

- 14. This premise is not located within the special policy area.

Consultation

- 15. 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.
- 16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

- 17. The North Yorkshire Police have met with the applicant who has agreed to some amendments to the application and a number of extra conditions being included in the licence if granted. A copy of these proposals is attached at Annex 2.

Summary of Representations made by Parties other than Responsible Authorities

18. Relevant representations have been received from 286 people listed at Annex 3. Their representations are attached at Annex 4
19. A map showing the general area around the venue from which the representations are focused is attached at Annex 5.

Planning Issues

20. There are no planning issues relevant to this application.

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** 17/03/14

Specialist Implications Officer(s)
Head of Legal & Democratic Services
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Wards Affected: Heworth, Heworth Without

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of proposals agreed between police and applicant.
- Annex 3** - List of representors
- Annex 4** - Copy of written representations – ***Please note that due to the size of this annex it is available on request only. Copies will be made available to the Sub-Committee and copies will be available at the hearing***
- Annex 5** - Map showing location of venue
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations