

**Licensing Act 2003 Sub Committee**

**3<sup>rd</sup> April 2014**

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for a premise licence for Post Office Employees Social Club, 26 Marygate, York, YO30 7BH**

**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-023099
3. Name of applicant: The Post Office Employees Social Club.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application:
  - a) This venue currently operates as a registered club under a Club Premises Certificate - CYC 009789, and as such admissions are limited to club members and their guests except on those occasions when the club operates under a Temporary Event Notice. The nature of this application, if granted, will allow general admission to both members and non members.
  - b) It also includes additional activities and increased timings from the current club certificate as follows:

Licensable Activity	Current club certificate timings	Proposed premises licence timings	Proposed non standard timings
Plays	N/A	Mon – Sun 12:00 – 24:00	
Films	N/A	Mon – Sun 12:00 – 01:00	

Indoor sporting events	N/A	Mon – Sun 12:00 – 24:00	
Live music	Mon – Sun 20:00 – 23:30	Mon – Sun 12:00 – 24:00	New Year's Eve 12:00 – 02:30
Recorded music	Mon only 13:00 – 16:00	Mon – Sun 12:00 – 24:00	Christmas Eve 12:00 – 01:00 New Year's Eve 12:00 – 02:30
Performance of dance	Sun only 20:00 – 23:00	Mon – Sun 12:00 – 24:00	
Late night refreshment	N/A	Mon – Sun 23:00 – 02:00	New Year's Eve 23:00 – 02:30
Supply of alcohol	Mon – Sat 12:00 – 24:00 Sun 12:00 – 23:00	Mon – Sun 12:00 – 01:00	New Year's Eve 12:00 – 03:00
Opening times	Not restricted	Mon – Sat 09:00 – 02:00 Sun 09:00 – 01:00	New Year's Eve 09:00 – 03:30

### **Background**

6. A copy of the application is attached at Annex 1 and a copy of the existing club premises certificate is attached at Annex 2.

### **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) The club is managed by a committee of elected members and officials who are responsible for the day to day running of the club.

9. The prevention of crime and disorder

- a) The club has a good CCTV system with night and day cameras inside and out on key areas and covering the car park.
- b) The committee are responsible for managing disorder within the membership.

10. Public safety

- a) All fire exits and extinguishers are clearly marked and maintained.
- b) The club is compliant with all fire safety legislation.

11. The prevention of public nuisance

- a) A programme of noise prevention methods is being undertaken to prevent noise leaks. These will be completed prior to the licence taking effect.
- b) There will be ongoing monitoring of noise in problem areas.
- c) Notices will be placed at exits to the building reminding members that noise should be kept to a minimum out of respect to our neighbours.

12. The protection of children from harm:

- a) Functions involving children are kept within the function room under the supervision of their parents or guardians

**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. City of York Council's Environmental Protection Unit has met with the applicants who have agreed to a number of conditions being attached to the licence if granted. These proposed conditions regarding the prevention of public nuisance are attached at Annex 3
17. The North Yorkshire Police have met with the applicants who have agreed to a number of conditions being attached to the licence if granted. These conditions are attached at Annex 4.

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

18. Relevant representations have been received from 24 people listed at Annex 5. Their representations are attached at Annex 6
19. A map showing the general area around the venue from which the representations are focused is attached at Annex 7.

### **Planning Issues**

20. There are no planning issues or conditions 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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**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director  
Housing & Community Safety.

**Report  
Approved**



**Date** 26/03/2014

**Specialist Implications Officer(s)**

Head of Legal & Democratic 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** - Copy of club certificate.

**Annex 3** - Proposed conditions - Environmental Protection Unit.

**Annex 4** - Proposed conditions - Police.

**Annex 5** - List of representors.

**Annex 6** - Copy of relevant representations.

**Annex 7** - Map showing location of venue.

**Annex 8** - Mandatory Conditions.

**Annex 9** - Legislation and Policy Considerations.