

Licensing Act 2003 Sub Committee

14th April 2014

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for a premise licence for 54-56 Fossgate, York YO1 9TF.

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-023101
3. Name of applicant: Under The Influence (Yorkshire) Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of recorded music and the sale of alcohol at the following times:

Sunday - Thursday, 08:00hrs - 23:00 hours

Friday - Saturday, 08:00hrs - 24:00hrs

plus an extra hour for Christmas Eve, New Year's Eve and the Sundays prior to a bank holiday.

Background

6. A copy of the application is attached at Annex 1.

Promotion of Licensing Objectives

7. The operating schedule submitted by the applicant (their reference Appendix 1) has a list of 35 proposed conditions covering all 4 licensing objectives. A copy of this is shown at Annex 2.

Special Policy Consideration

8. This premise is located within the extended special policy area approved by full council on 27 March 2014. A copy of the policy is attached at Annex 3.

Consultation

9. 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.
10. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

11. North Yorkshire Police have proposed some amendments and additions to the applicants' proposed conditions and these have been agreed by them and will be added to the licence if granted. A copy of these proposals is attached at Annex 4.
12. The Council's Environmental Protection Unit has proposed a number of additional conditions, which have been agreed with the applicants for inclusion in the licence if granted. A copy of these proposals is attached at Annex 5.

Summary of Representations made by Parties other than Responsible Authorities

13. One relevant representation has been received from a local resident and this is attached at Annex 6.
14. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

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

Options

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

Analysis

21. The following could be the result of any decision made this Sub Committee:-
22. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
23. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
25. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

26. 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.
27. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

28.

- **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

29. 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.
30. 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

31. 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 31/03/2014

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall East



For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of application form.

Annex 2 - Proposed conditions submitted by the applicants.

Additional Information - Submitted by the applicant.

Annex 3 - Copy of Special Policy

Annex 4 - Copy of proposals agreed between police and applicant.

Annex 5 - Propose conditions agreed with EPU and applicant.

Annex 6 - Copy of representation from local resident.

Annex 7 - Map showing location of venue

Annex 8 - Mandatory Conditions

Annex 9 - Legislation and Policy Considerations