

Licensing Act 2003 Sub Committee

12th May 2014

Report from the Assistant Director – Housing & Community Safety

**Section 18(3) (a) Application for a premise licence for Local News,
76 Goodramgate, York YO1**

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-023162
3. Name of applicant: Mr Arumugam Kalamohan
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The application is to allow for the sale of alcohol, off the premises, every day between 07:00hrs and 23:00hrs.

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

The DPS will take full responsibility to ensure that all staff are fully trained with a comprehensive knowledge of the “Challenge 25” policy and licensing objectives under the Licensing Act 2003. This training will be fully documented and refreshed every 6 months.

9. The prevention of crime and disorder

- a) The premises licence holder will install CCTV that follows DCMS guidelines for camera systems in licensed premises and which covers all licensed areas of the premises.
- b) The system will record for 31 days and all recordings will be made available to the police upon request.
- c) At least one member of staff will have training on the full workings of the system.
- d) Signage is in place to inform members of the public that the CCTV system is in operation.
- e) There will always be a personal licence holder on the premises throughout the time that licensable activities are taking place to authorise any sales of alcohol.

10. Public safety

- a) The DPS will be responsible to carry out fire and health and safety risk assessments and notices in relation to public health and safety will be displayed.
- b) The DPS will ensure that the premises operate in line with existing health and safety legislation.

11. The prevention of public nuisance

- a) The DPS and premises licence holder will monitor the external areas of the premises in relation to public nuisance or antisocial behaviour.
- b) Deliveries and rubbish collection will only take place during normal business hours and are at the rear of the premises.
- c) Any antisocial behaviour CCTV recordings will be made available to the police and environmental health officers.

12. The protection of children from harm:

- a) A Refusals Book will be kept on the premises for inspection by the responsible authorities.

- b) Signage will be displayed with regard to Challenge 25 and the fact that a “No ID - No Sale” policy is in place.

Special Policy Consideration

13. The premise is located in the extended special policy area approved by full council on 27th March 2014. A copy of this policy is attached at Annex 2.

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. North Yorkshire Police have made a representation to the application on the grounds that the licensing objective, the prevention of crime and disorder would be undermined. A copy of their representation is attached at Annex 3.

Summary of Representations made by Parties other than Responsible Authorities

17. There were no other representations.
18. A map showing the general area around the venue from which the representations are focused is attached at Annex 4.

Planning Issues

19. There are no planning issues or conditions relevant to this application.

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:

Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**

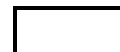


Date 24/04/2014

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 - Special Policy

Annex 3 - Copy of police representation.

Annex 4 - Map showing location of venue.

Annex 5 - Mandatory Conditions.

Annex 6 - Legislation and Policy Considerations.