
Licensing Act 2003 Sub Committee**11 August 2014**

Report from the Assistant Director – Housing & Community Safety

**Section 18(3) (a) Application for a premise licence for 59-63
Walmgate, York, YO1 9TY****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-023576
3. Name of applicant: Ellis James Thackray.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Live music	Tues – Sat 10:00 – 23:00 Sun 10:00 – 22:00
Recorded music	Tues – Sat 08:30 – 23:00 Sun 08:30 – 22:00
Sale of alcohol (on the premises)	Tues – Sat 11:00 – 22:30 Sun 11:00 – 21:30
Opening times	Tues – Sat 08:30 – 23:00 Sun 08:30 – 22:00

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. The prevention of crime and disorder
 - a) CCTV is installed on the premises covering the entrance and exits, the showroom area and the serving area.
9. Public safety
 - a) Signage will be in place concerning fire exits.
 - b) Regular equipment checks will be conducted.
10. The prevention of public nuisance
 - a) Signage will be placed to encourage clients to leave the premises quietly
11. The protection of children from harm:
 - a) A “Challenge 25” policy will be adopted along with a “service refusals” log book.

Special Policy Consideration

12. This premise is not located within the special policy area.

Consultation

13. 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.

14. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

15. North Yorkshire Police have mediated with the applicant who has agreed to a number of conditions being added to the licence if granted. These conditions are shown at Annex 2
16. The Council's Environmental Protection Unit have mediated with the applicant who has agreed to remove the provision for both live and recorded music from the application, amend Sunday opening times to start at 09:00hrs and to add 2 conditions. These proposals are shown at Annex 3.

Summary of Representations made by Parties other than Responsible Authorities

17. Relevant representations have been received from 6 persons listed at Annex 4 and their representations are shown at Annex 5.
18. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

19. The council's development Management team have been in contact with the applicant regarding the required planning permissions and will deal with any issues within their remit.

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:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**

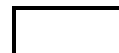


Date 11/07/2014

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 - Copy of proposed Police conditions.

Annex 3 - Copy of proposed Environmental Protection Unit conditions.

Annex 4 - List of representors.

Annex 5 - Copy of representations.

Annex 6 - Map showing location of venue.

Annex 7 - Mandatory Conditions.

Annex 8 - Legislation and Policy Considerations.