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**Licensing Act 2003 Sub Committee**

**15 September 2014**

Report from the Assistant Director – Housing & Community Safety  
**Section 18(3) (a) Application for a club premises certificate for  
Burnhome Social Club, Burnholme Drive, York Yo31 0LL.**

**Summary**

1. This report seeks Members determination of an application for the grant of a club premises certificate which has been made under the Licensing Act 2003.
2. Application reference number: CYC-023794
3. Name of applicant: Burnholme Social Club.
4. Type of authorisation applied for: Grant of Club Premise Certificate
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Plays	11:00 – 24:00
Films	11:00 – 24:00
Indoor sporting events	11:00 – 24:00
Live Music	11:00 – 24:00
Recorded music	11:00 – 24:00
Supply of alcohol	11:00 – 24:00
Opening times	11:00 – 00:30

Non standard timings	Boxing day 11:00 – 00:30 New Year's Day 11:00 – 02:00
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### **Background**

6. A copy of the application is attached at Annex 1.
7. A club premises certificate, CYC 009759 is already in force for this venue but a new clubhouse has been built on the same site and this necessitates the grant of a new club certificate. The current building is set to be demolished.  
A copy of this certificate is attached at Annex 2.

### **Promotion of Licensing Objectives**

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. General
  - a) There is strict control of membership and guests as per club rules.
10. Prevention of Crime and Disorder
  - a) P.A. announcements advise members when entering and leaving the club.
11. Public Safety
  - a) Regular health and safety risk assessments are carried out.
12. Prevention of Public Nuisance
  - a) Notices and P.A, announcements advise members.
13. Protection of Children From Harm
  - a) Members shall ensure their children are under supervision at all times.

### **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. North Yorkshire Police have mediated with the applicant who has agreed to 9 conditions being added to the licence if granted. These conditions are show at Annex 3
18. The Council's Environmental Protection Unit has mediated with the applicant who has agreed to 5 conditions being added to the licence if granted. These proposals are shown at Annex 4

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

19. One relevant representation has been received and a copy of this is attached at Annex 5.
20. A map showing the general area around the venue is attached at Annex 6.

## **Planning Issues**

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

## **Options**

22. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision: -
23. Option 1: Grant the licence in the terms applied for.

24. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
25. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
26. Option 4: Reject the application.

### **Analysis**

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Council Plan**

32. 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.
33. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

### **Implications**

34.
  - **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**

35. 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.
36. 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**

37. 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** 22/08/2014

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
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**Wards Affected: Heworth**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Copy of application form.
- Annex 2** – Copy of existing club certificate
- Annex 3** - Copy of proposed Police conditions.
- Annex 4** - Copy of Environmental Protection Unit conditions.
- Annex 5** - Copy of representation.
- Annex 6** - Map showing location of venue.
- Annex 7** - Mandatory Conditions.
- Annex 8** - Legislation and Policy Considerations.