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## Licensing Act 2003 Sub Committee

19 November 2007

Report of the Director of Neighbourhood Services

### **Section 18(3)(a) Application for a premise licence for Rufforth Primary School, Wetherby Road, Rufforth, York, YO23 3QF**

#### **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-013536.
3. Name of applicant: CYC Learning, Culture and Children's Services Directorate
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The nature of the application is to provide regulated entertainment consisting of plays, films, indoor sporting events, live music, recorded music and performance of dance and the provision of entertainment facilities for making music and dancing, Monday to Sunday 08:00 hours to 23:00 hours.

#### **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: All functions are fully supervised by school staff, governors and/or other community groups.
9. The prevention of crime and disorder: Occasional school events will be supervised by school staff. Appropriate staffing will be in place for community events.
10. Public Safety: Suitable health and fire risk assessments have been carried out.

11. The prevention of public nuisance: All live regulated entertainment will cease at 23:00hours.
12. The protection of children from harm: The establishment is an environment designed for the safe accommodation of children. Clear guidelines and procedures are in place to ensure the protection of children.

### **Special Policy Consideration**

13. This premise is not located with 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. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety but was subsequently withdrawn after the applicant agreed to the following conditions being attached to the premises licence if granted:
  - 1) The maximum occupancy figure for the hall should not exceed 276 persons when used for dancing with a group, disco, etc.
  - 2) When a performance takes place before a seated audience, no seating should be more than 7 seats from a gangway; any temporary seating should be secured in lengths no fewer than 4 seats and no more than 12. The minimum width of any gangway should be 1.05m.
  - 3) An occupancy figure for a seated audience should be reduced accordingly, dependant on the size of any stage and the layout of the seating taking into account any gangways.

### **Summary of Representations made by Interested Parties**

17. Two representations have been received from the interested parties listed at Annex 2 (confidential). The representations are attached at Annex 3.
18. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which the representations were received is attached at Annex 5.

19. An “interested party” is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
20. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **Planning Issues**

21. There are no relevant planning issues or conditions in relation to these premises.

### **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.

## **Corporate Priorities**

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 priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

## **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

38. Reason: To address the representations received as required by the Licensing Act 2003.

### Contact Details

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**Report Approved**



**Date** 5 November 2007

### Specialist Implications Officer(s)

Colin Langley  
Head of Legal & Democratic Legal Services

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**Wards Affected:** Rural York West

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

### Background Papers:

**Annex 1** - Copy of the application form

**Annex 2 (Confidential)** - Details of Interested Parties

**Annex 3** - Copy of Representations from Interested Parties

**Annex 3a** – Extra information submitted by representor

**Annex 4 (Confidential)** - Map of area indicating addresses of Interested Parties

**Annex 5** - Map showing general area from which representations received

**Annex 6** - Mandatory Conditions

**Annex 7** - Legislation and Policy Considerations including Note for Members