

Licensing Act 2003 Sub Committee

27th July 2015

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for Pavement Vaults, Piccadilly, York,
YO1 9NU**

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-053292
3. Name of applicant: Tapped York Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the provision of recorded music from 08:00 hours to midnight every day and for the sale of alcohol, on and off the premises, from 09:00 hours until midnight every day.

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
 - a) Staff will be trained and educated on the licensing objectives respective to the particular premises and location.
 - b) All staff will adhere to the limits of the premises licence and take a zero tolerance attitude towards any customers in breach of the licensing objectives and York Licensing Policy.

- c) A policy statement regarding the measures to achieve the objectives will be on display at all times within the bar.

9. The prevention of crime and disorder

- a) Installation and provision of CCTV system throughout all internal customer areas.
- b) Training to all staff regarding the minimum age of sales for alcohol and for a Challenge 21 policy and awareness of drugs issues and abuse in public places.
- c) To actively participate in local Pubwatch and early warning schemes.
- d) There will be no drinks promotions which encourage consumption of excessive alcohol.
- e) Signage will be displayed showing permitted licensed drinking and opening hours.

10. Public safety

- a) There will be an allowance for a minimum of 50% seating available for customers.
- b) Ample provision of clear access will be allowed and signage provided requesting customers to keep areas clear.

11. The prevention of public nuisance

- a) No deliveries to be made before 08:00 hours Monday to Saturday and before 10:00 hours on Sundays and none after 20:00 hours.
- b) To allow provision of sufficient time from the last sale of alcohol before closure of the premises for customers to leave allowing a slow and quiet exit into the street.
- c) There will be no loud amplified music.
- d) Staff are to request and remind customers to be quiet and considerate of noise when leaving at night.

12. The protection of children from harm:

- a) Children under the age of 18 are not allowed on the premises after 22:00 hours.
- b) There will be no gambling or gaming machines on the premises.

Special Policy Consideration

13. This premise is located within the special policy area approved by full council on 27 March 2014. A copy of the 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 representation to the application on the grounds that as the venue is located within the city's cumulative impact zone, it is believed that the licensing objectives, the prevention of crime and disorder and public nuisance would be undermined on the granting of this application. A copy of the representation is attached at Annex 3.

Summary of Representations made by Parties other than Responsible Authorities

17. A relevant representation has been received from one member of the public, Mr J. Walker. A copy of this representation is attached at Annex 4.
18. A map showing the general area around the venue is attached at Annex 5.

Planning Issues

19. There are no planning issues regarding 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**

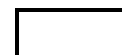


Date 07/07/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Special Policy
- Annex 3** - Police Representation & additional information submitted by the Police for inclusion in the agenda
- Annex 4** - Representation from Mr John Walker
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations