
Licensing Act 2003 Sub Committee**3rd August 2015**

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for York City Football Club, Bootham Crescent, York YO30 7AQ**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-053443
3. Name of applicant: Bootham Crescent Holdings 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 following:

Licensable Activity	Indoor/Outdoors /Both	Days	Hours
Films	Both	Mon – Sun	10:00 – 24:00
Indoor sporting events		Mon – Sun	10:00 – 24:00
Boxing or wrestling	Outdoors	Mon – Sun	10:00 – 24:00
Live music	Both	Mon – Sun	10:00 – 24:00
Recorded music	Both	Mon – Sun	10:00 – 24:00

Performance of dance	Both	Mon – Sun	10:00 – 24:00
Late night refreshment	Both	Mon – Sun	23:00 – 24:00
Sale of alcohol	Both	Mon – Sun	10:00 – 24:00
Opening times		Mon – Sun	10:00 – 00:30

Background

6. A copy of the application is attached at Annex 1.
7. There are currently 2 premises licences in operation at the football club. One covers the social club (licence CYC 09361) and the other covers the boardroom, hospitality lounge and vice presidents lounge (licence CYC 010873). Copies of these licences are shown at Annex 2 and 3 respectively.

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) Alcohol will only be sold/supplied in the social club and boxes/function rooms of the main stand unless prior approval is given by the licensing authority and police in relation to an event that is taking place at the ground. At least two months notice must be given of any events.
 - b) Alcohol will only be consumed in the social club and boxes/function rooms of the main stand, when a sporting activity is taking place on the pitch, unless prior approval is given by the club's safety officer.
 - c) Events involving regulated entertainment will not take place outside the social club and boxes/function rooms of the main

stand, unless prior approval is given by the licensing authority and police. At least 2 months notice must be given of any events.

10 The prevention of crime and disorder

- a) A CCTV system will be installed to cover the entrance gates to the ground and stands.
- b) The CCTV system will be maintained, working and recording at all times when the ground is opening for a sporting activity
- c) The recordings shall be of good evidential quality to be produced in court or other such hearing.
- d) Copies of the recordings will be kept available for any Responsible Authority for 28 days.
- e) Copies of the recordings shall be made available to any Responsible Authority within 48 hours of request.
- f) Copies of the recordings will display the correct time and date of the recording.
- g) A Refusals Register and Incident Recording Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. These records will be kept for at least one year and will be made available upon request from any Responsible Authority.
- h) All off-sales shall be made in sealed containers.
- i) An adequate number of SIA registered door supervisors shall be provided when a sporting activity is taking place on the pitch, to monitor the areas where alcohol is sold and consumed, as determined by the club's Safety Officer.
- j) The premises licence holder and designated supervisor will risk assess if SIA door supervisors are required on other occasions.
- k) An adequate number of stewards shall be provided when a sporting activity is taking place as determined by the club's Safety Officer.
- l) An adequate number of SIA registered door supervisors and stewards will be provided at any events which take place outside the Social Club and boxes/function rooms of the main stand, as determined by the club's Safety Officer in conjunction with the licensing authority and police.

11. Public safety

- a) The ground operates in accordance with the legal requirements of the of the Safety Certificate issued by the City of York Council, in accordance with Safety at Sports Grounds Act 1975 (as amended).

12. The prevention of public nuisance

- a) No more than 4 events will take place in a calendar year outside of the Social Club and boxes/function rooms of the main stand.
- b) Any event that takes place outside of the Social Club and boxes/function rooms of the main stand will only take place between the hours of 10:00 and 23:00
- c) Noise sensitive premises in close proximity shall be leafleted about any events which take place outside the Social Club and boxes/function rooms of the main stand. Information shall include details of the event, timings and any sound checks taking place along with a contact telephone number of the 'named event organiser'.
- d) Noise monitoring checks will be undertaken and documented in relation to any events which take place outside the Social Club and boxes/function rooms of the main stand.

13. The protection of children from harm:

- a) All staff are trained in the legal requirements of the Licensing Act 2003.

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. The council's Public Protection Unit has 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 4

Summary of Representations made by Parties other than Responsible Authorities

18. 9 relevant representations have been received from 13 local residents listed at Annex 5 and their representations are shown at Annex 6.
19. A map showing the general area around the venue is attached at Annex 7.

Planning Issues

20. There are no planning issues regarding this application.

Options

21. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision: -
22. Option 1: Grant the licence in the terms applied for.
23. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
24. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
25. Option 4: Reject the application.

Analysis

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

31. 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.
32. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

33.

- **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

34. 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.
35. 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

36. 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**

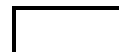


Date 22/07/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Clifton



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Social Club premises licence (CYC 009361)
- Annex 3** - Boardroom premises licence (CYC 010873)
- Annex 4** - Public Protection agreed conditions
- Annex 5** - List of representors
- Annex 6** - Copies of representations
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations