

Report from the Assistant Director – Housing & Community Safety
**Section 18(3)(a) Application for Cycle Heaven, 2, 2a & 4
 Bishopthorpe Road, York, YO23 1JJ**

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-053764
3. Name of applicant: The Ragged Trousered Philanthropists 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	Indoors/ Outdoors	Days	Hours
Films	Indoors	Mon – Sun	11:00 – 23:00
Recorded music	Indoors	Mon – Sun	09:00 – 24:00
Late night refreshment	Indoors	Mon - Sun	23:00 – 24:00
Sale of Alcohol	On and off sales	Mon – Sun	09:00 – 24:00
Opening times		Mon – Sun	07:00 – 00:30

Proposed non standard timings for late night refreshment and the sale of alcohol and opening times are as follows:

1. an additional hour at the end of trading for bank holiday weekends (Fri-Sun), Christmas Eve and Boxing Day.
2. from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Background

6. A copy of the application is attached at Annex 1.

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) The premises will be food led with most of the customers sitting at tables.

- 10 The prevention of crime and disorder

- a) The current CCTV system within the premises will be enhanced to cover all areas.

- b) Strengthened glassware will be used throughout the premises.

- c) All staff will be provided training so that they are confident of asking anyone who appears under the age of 25 for proof of age.

- d) All staff will be trained in the premises drug policy and be clear of their responsibilities to detect and report suspected dealing or use of illegal substances to the DPS or other authorised person.

- e) Notices reminding customers that they are in a residential area and asking them to leave quietly will be displayed at all exits. Should it be necessary then dispersal will be managed through staff talking to small groups reminding them of their responsibility to leave promptly and quietly.

10. Public safety

- a) Staff will be instructed in operating procedures in place to prevent overcrowding.
- b) At no time will the venue exceed 150 persons.

11. The prevention of public nuisance

- a) All music in the venue will stop at 23:00hrs.
- b) Windows and doors will be kept closed on an evening to prevent noise disturbance.
- c) Bottle bins will only be emptied between 09:00hrs and 21:00hrs.
- d) The premises licence holder will work constructively with the neighbouring businesses and residents to ensure the prevention of public nuisance.
- e) Local businesses and residents will be given a contact number for the DPS.
- f) The premises licence holder will investigate any complaints of noise disturbance and appropriate proportionate action will be taken.

12. The protection of children from harm:

- a) Staff will be fully trained in the law regarding children on licensed premises and instructed to challenge anyone buying alcohol that appears to be under the age of 25.
- b) Signs communicating this policy will be displayed on the premises.

Special Policy Consideration

13. This premise is not located within 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. The council's Public Protection Unit has mediated with the applicant who has agreed to reduce the hours for recorded music from midnight to 23:00hrs and as such this takes recorded music out of the list of licensable activities under the Licensing Act 2003. This agreement is show at Annex 2.
17. The North Yorkshire Police have mediated with the applicants who have agreed to a list of conditions being attached to the licence if granted. These are shown at Annex 3.

Summary of Representations made by Parties other than Responsible Authorities

17. 5 relevant representations have been received from local residents 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. A planning application has been submitted to the local authority and this is under consideration.

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. That 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**

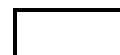


Date 02/09/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Public Protection agreed conditions
- Annex 3** - Police agreed conditions
- Annex 4** - List of representors
- Annex 5** - Copies of representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations