

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for Unit 2 & 4, 6 Grape Lane, York YO1 7HU.

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-053898
3. Name of applicant: White Rose 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 and anything similar to music/dancing and for the sale of alcohol. The timings for these to be between 09:00hrs and midnight every day. The proposed opening times of the premises to be 09:00hrs and 00:30hrs.

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. The prevention of crime and disorder

a) A CCTV system will be installed throughout the premises.

9. Public safety

a) Fire Risk Assessment will be carried out.

10. The prevention of public nuisance

a) Recorded music to be played indoors only.

b) Signs to be positioned asking customers to leave quietly on an evening.

c) Deliveries to take place during the day so as to not disturb any residents.

Special Policy Consideration

11. 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

12. 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.

13. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

14. Both the North Yorkshire Police and the Council's Public Protection Unit have mediated with the applicants who have agreed to a number of conditions being included in the licence if granted. These conditions are shown at Annex 3 and Annex 4.

Summary of Representations made by Parties other than Responsible Authorities

15. 2 relevant representations have been received from local residents and these are shown at Annex 5.
16. A map showing the general area around the venue is attached at Annex 6.

Planning Issues

17. A planning application has been submitted to the local authority and this is under consideration.

Options

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

Analysis

23. The following could be the result of any decision made this Sub Committee:-
24. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
25. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
26. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
27. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

28. 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.
29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment (these priorities are currently under review).

Implications

30.

- **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

31. 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.

32. 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

33. Members determine the application.

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

Contact Details

Author:

Janice Cockerill
Senior Licensing Officer

Tel No. 01904 551526

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**

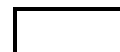


Date 15/09/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guidhall



For further information please contact the author of the report

Background Papers:

Annex 1 - Application form

Annex 2 - Special Policy

Annex 3 - Police agreed conditions

Annex 4 - Public Protection agreed conditions

Annex 5 - Copies of representations

Annex 6 - Map of area

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy Considerations