



## **Agenda Item No: 4**

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**Title:** Section 35(3)(a) Application for a Premises Licence for Selby Superbowl, Unit 1, Bawtry Road, Selby YO8 8NA

**To:** Licensing Act 2003 Sub-Committee

**Date:** 17<sup>th</sup> November 2009

**Service Area:** Customers and Business Support

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**Presented by:** Tim Grogan

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### **1. Summary**

- 1.1 To seek the determination by the Licensing Sub Committee of an application for a Premises Licence where relevant representations have been received.
- 1.2 Application reference: TAG/SS
- 1.3 Name of Applicant: Suneal Kumari Smith
- 1.4 Type of authorisation applied for: The nature of the application is to grant a premises licence for Selby Superbowl, Unit 1, Bawtry Road, Selby. The applicant requests that the licence be granted for the provision of: indoor sporting events, regulated entertainment in the form of live music, recorded music and performance of dance; entertainment facilities in the form of making music and dancing; late night refreshment and sale by retail of alcohol from 10:00 – 02:00 Monday to Sunday (inclusive).

### **2. Background**

- 2.1 A copy of the application for a Premises Licence is attached at Annex 1.

### **3. Promotion of Licensing Objectives**

- 3.1 The applicant proposes to operate as a responsible and effective manager of the premises in order to promote the licensing objectives and this detail is contained in section P of the Premises Licence Application at Annex 1.

#### **4. Consultation**

- 4.1 Consultation was carried out by the applicant in accordance with section 13, and section 17(5) of the Licensing Act 2003 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 the local newspaper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements.

#### **5. Summary of representations made by Responsible Authorities**

- 5.1 No representations were received from any Responsible Authority.

#### **6. Summary of representations made by interested parties**

- 6.1 Representations have been received from eleven interested parties listed at Annex 4. The Representations are attached at Annex 5. Essentially the representations are in line with the Licensing objectives regarding the prevention of Crime and Disorder and the prevention of Public Nuisance.
- 6.2 A map of the area showing the various locations is attached at Annex 5. An interested party is defined at section 13(3) of the Act as being a person living in the vicinity of the premises and the interested party is therefore duly qualified.
- 6.3 Councillors 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

#### **7. Options**

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

## **8 Analysis**

- 8.1 The following could be the result of any decision made by this Sub Committee:
- 8.2 Option 1: This decision could be appealed at Magistrates Court by the representor.
- 8.3 Option 2: This decision could be appealed at Magistrates Court by the applicant or the representor.
- 8.4 Option 3: This decision could be appealed at Magistrates Court by the applicant or the representor.
- 8.5 Option 4: This decision could be appealed at magistrates Court by the applicant

## **9 Licensing Objectives**

- 9.1 The Licensing Act 2003 has 4 objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.

## **10 Implications**

- 10.1 Community safety and crime: The Sub 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 cooperate in the reduction of crime and disorder in the town.

## **11 Risk Management**

- 11.1 This decision could be appealed at Magistrates Court by the applicant or the representor. In addition any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.

## **12 Recommendations**

- 12.1 Councillors determine the application

