



Report Reference Number: L S-C/21/2

To: Licensing Committee
Date: 19 July 2021
Status: Non Key Decision
Ward(s) Affected: Selby
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor Grogan, Lead Member for Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Determination of a Premises Licence for Eighty 1 Café LTD, 81 Brook Street, Selby, YO8 4AT (“the Premises”).

Summary

The Licensing Authority received an application for a Premises Licence for the Premises, however, a representation against this application was received. The Licensing Authority is now under a duty to determine the Premises Licence application under Section 18 of the Licensing Act 2003 (“the Act”).

Recommendation:

The Sub-Committee to determine the Premises Licence application in respect of the Premises.

In determining this application, the Sub-Committee must have regard to the representations and take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are

- (a) To grant the licence subject to:-
 - (i) any conditions modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (the conditions in the operating schedule accompanying the application are modified if any of them is altered or omitted or any new condition is added); and
 - (ii) any mandatory conditions which must be included on the licence under section 19, 20, or 21 of the Act.
- (b) To exclude from the licence any of the licensable activities;
- (c) To refuse to specify a person in the licence as the premises supervisor; or
- (d) To reject the application

In making its decision, the Sub-Committee must act with a view to promoting the licensing objectives. The Sub-Committee must also have regards to its Statement of Licensing Policy and the Guidance issued under section 182 of the Act, issued by the Secretary of State for Culture, Media and Sports.

1. Introduction and background

The applicant is 81 Café Ltd, proposing to carry out licensable activity at the Premises. **A copy of the application is at Appendix 1. Please note Appendix 1A** of the report shows the signed declaration on the application by the applicant. This has been shown by way of a screen print due to a technical issue, and the declaration not transporting through in Appendix 1.

1.1 The application is to permit the sale of alcohol at the designated Premises, on any day of the week, between the times as detailed below:

1.2 Licensable activities:

Sale of alcohol (on and off sales)

Monday to Sunday 12:00 – 22:30 hrs

1.3 Public Hours

Monday to Sunday 08:00 – 23:00 hrs

1.4 Seasonal Variations

None

1.5 Details of the proposed operating schedule are as follows:

1.6 To promote the licensing objectives, the applicant has proposed the steps detailed section 5 (operating schedule) and part M (section 18) of the application form, **attached at Appendix 1**.

1.7 As part of the application the applicant has submitted a DPS (Designated Premises Supervisor) consent form. **Please see attached at Appendix 3**.

1.8 A plan of the building, **attached at Appendix 2**, shows the licensable area of proposed Premises outlined in red. This shows where the licensable activity would be permitted to take place.

2. PROMOTION OF LICENSING OBJECTIVES

2.1 Section 4 of the Act places a duty on the Licensing Authority to carry out its function under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder

- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount consideration at all times.

RELEVANT REPRESENTATIONS

3. RESPONSIBLE AUTHORITIES

3.1 Amendments have been made to the operating schedule following representations from responsible authorities.

3.2 Conditions have been agreed between North Yorkshire Police and the applicant following a representation. These will now be included in the Operating Schedule and form the conditions of any granted licence. **Please see attached at Appendix 4.**

3.3 A representation was received from Environmental Health Protection for the Licensing Objective Prevention of Public Nuisance. **A copy of the agreed representation is attached at Appendix 5** and will be included in the Operating Schedule.

4. REPRESENTATIONS FROM OTHER PERSONS

4.1 The Licensing Authority has received **1** representation from Other Persons which is against the application. **A copy of the representation is attached at Appendix 6.** The representation is based on the grounds of the Prevention of Public Nuisance only.

4.2 A plan showing the location of the individual Other Persons in relation to the Premises has been produced in **Appendix 7.**

5 Consultation

5.1 Consultation was carried out by the applicant in accordance with the Act and 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. The newspaper notice was published on the 27th of May 2021 and has been attached at **Appendix 8.**

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

6. POLICY CONSIDERATIONS AND S182 GUIDANCE

6.1 The following sections of the Selby District Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application.

- Part 3, Paragraph 5 – Conditions
- Part 3, Paragraph 6 – Licensing hours
- Part3, Paragraph 13 – Live Music Act
- Part 3, Paragraph16 - Children
- Part 8, Paragraph 27.4 - things the applicant should consider in its operating schedule.

6.2 The following sections of the Guidance issued under section 182 of the Act issued by the Secretary of State for Culture, Media and Sport (issued April 2018) is relevant in considering the licensing objectives in relation to this application:

- 2.1 Crime and disorder
- 2.7 Public Safety
- 2.15 Public nuisance
- 2.22 Protection of children from harm

7. Corporate Plan Implications

N/A

8. Resource Implications

N/A

9. Other Implications

N/A

10. Legal Implications

10.1 As relevant representations have been made, the Sub-Committee must determine the premises licence application.

10.2 The licensing Authority must have regard to the promotion of the four licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm in exercising its functions under the Act.

10.3 Regard should be had to the statutory guidance under Section 182 of the Act and the Councils own statement of licensing policy.

Right of appeal

10.4 Schedule 5 of the Act gives a right of appeal to the applicant and to any person who has made relevant representations.

- 10.5** Any appeal must be made to the Magistrates Courts and must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Conclusion

- 11** The Sub-Committee are asked to determine this Premises Licence application for the Premises. A draft copy of the licence incorporating the conditions as agreed between the applicant, the Police and Environmental Health Protection can be seen in **Appendix 9**.
- 11.1** External photographs of the Premises are attached at **Appendix 10**.
- 11.2** Additional information sent by the applicant **Appendix 11**.
- 11.3** The Sub-Committee has the options as set out in the above Recommendation.

12 Appendices

- Appendix 1 - Original application
- Appendix 1A – Sign Declaration of application
- Appendix 2 - Plans
- Appendix 3 - DPS consent
- Appendix 4 - Police representation
- Appendix 5 - Environmental Health representation
- Appendix 6 - Representation from other persons
- Appendix 7 - Plan showing premises location of representations received
- Appendix 8 - Newspaper advertisement
- Appendix 9 - Draft licence, incorporating agreed conditions and hours
- Appendix 10 - Photographs of the Premises
- Appendix 11 – Additional information sent from Applicant

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