



Report Reference Number: L S-C/21/5

To:	Licensing Sub-Committee
Date:	21 December 2021
Status:	Non-Key Decision
Ward(s) Affected:	Camblesforth
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Title: Determination of a full variation to a Premises Licence relating to the Comus Inn, Selby Road, Camblesforth, Selby, YO8 8HR ("the Premises").

Summary

The Licensing Authority received an application for a full variation to a Premises Licence for the Premises, however, representations against this application were received. The Licensing Authority is now under a duty to determine the variation to the Premises Licence application under Section 35 (3) (a) of the Licensing Act 2003 ("the Act").

Recommendation:

The Sub-Committee to determine the variation to 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) grant the application; or
- (b) grant the application, but modify the conditions of the Licence (conditions are deemed to be modified if any are altered or omitted or any new condition is added, this includes restricting the times at which licensable activities can take place); or
- (c) Reject the whole or part of the application that would lead to the application undermining the licensing objectives.

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 a limited company, Campey Estates Limited, Unit 5 Kettlestring Lane, York, YO30 4AX, proposing to extend the current licensable area of the Premises, which includes extending a function room, kitchen and hotel rooms, extending the licensable hours and adding additional conditions to the Premises Licence. A copy of the variation application is at **Appendix 1** and the plan to the application showing the proposed licensable area can be seen in **Appendix 2**.

The existing Premises Licence was granted on 24th November 2005 and is at **Appendix 3**.

1.1 Licensable activities applied to be varied:

The applicant has applied to extend all the licensable activity hours to:

Sunday – Thursday 06:00 – 01:00 hours (currently 11:00 - 00:00)

Friday – Saturday 06:00 – 02:00 hours (currently 11:00 – 01:00)

Except for Late night refreshment, the applicant has applied for:

Sunday – Thursday 23:00 – 01:00

Friday – Saturday – 23:00 – 02:00

1.2 Public Hours

Sunday – Thursday 06:00 – 01:30

Friday - Saturday 06:00 – 02:30

1.3 Details of the proposed operating schedule are as follows:

1.4 To promote the licensing objectives, the applicant has proposed the steps detailed in part 3, and part M, of the application attached at Appendix 1.

1.5 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. 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 Conditions have been agreed between the applicant and Environmental Health. These will now be included in the Operating Schedule and form the conditions of any granted licence. Please see attached **Appendix 5**.

4. REPRESENTATIONS FROM OTHER PERSONS

4.1 The Licensing Authority has received 67 representations from Other Persons which are against the application. 29 of the 67 representations requested to be anonymous. A copy of all the representations are attached at **Appendix 6**. The representations are predominantly based on the grounds of the Prevention of Public Nuisance licensing objective.

4.2 The Licensing Authority received 6 emails of support for the application, these can be seen in **Appendix 7**.

4.3 A plan showing the location of the representations to the variation application has been produced at **Appendix 8**. The Premises is marked on the left of the plan and the street names relating to the representations are within the red square produced on the Plan.

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 11th November 2021 and has been attached at **Appendix 9**.

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 variation to 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. Any appeal must be made to the Magistrates Courts.

Conclusion

- 11** The Sub-Committee are asked to determine the application for a variation to the Premises Licence for the Premises. A draft copy of the licence incorporating the conditions as agreed between the applicant, the Police and Environmental Health can be seen in **Appendix 10**.

- 11.1** External photographs of the Premises are attached at **Appendix 11**.

- 11.2** The Sub-Committee has the options as set out in the above Recommendation.

12 Appendices

- Appendix 1 Original application
- Appendix 2 Plan
- Appendix 3 Current Premises Licence in force
- Appendix 4 Police conditions agreed
- Appendix 5 Environmental Health conditions agreed
- Appendix 6 Representation from other persons
- Appendix 7 Support to application emails
- Appendix 8 Plan showing premises location of representations received
- Appendix 9 Newspaper advertisement
- Appendix 10 Draft licence, incorporating agreed conditions and hours
- Appendix 11 Photographs of the Premises

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