

Meeting	Licensing Hearing
Date	19 August 2013
Present	Councillors Boyce, Funnell And Gillies

13. Chair

Resolved: That Councillor Boyce be elected as Chair of the meeting.

14. Introductions**15. Declarations Of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Gillies declared a personal interest in agenda item 4 as he had sat on the Planning Committee which decided the Planning permission for the premises. He also declared a personal interest as a director of Visit York.

16. Minutes**17. The Determination Of An Application By The Star Inn The City (York) Ltd For A Premises Licence Section 18(3)(A) In Respect Of Lendal Engine House, Museum Street, York. (Cyc-022222)**

Members considered an application by The Star Inn The City (York) for a Premises Licence in respect of Lendal Engine House, Museum Street, York.

In coming to their decision, Members took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The Application Form.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for a premises licence at Museum Street, York, within the grounds of the Museum Gardens. A plan showing the location was tabled. The premise is not located within the special policy area. A number of conditions had been agreed with North Yorkshire Police and the Council's Environmental Protection Unit (EPU) prior to the hearing, although 3 EPU conditions had been disputed. Following issues raised prior to the hearing about the location of the site notices, she was satisfied that consultation had been carried out successfully, having visited the site herself to check the notices.
3. The applicants representations made at the hearing. He advised that the premise was in an attractive riverside location and the company had worked hard to secure the correct operator for the site. In response to the representations made by local residents he advised that the premises was to be operated as a fine dining restaurant and the hours and licensing activities applied for were to offer the same experience to early evening diners as to late diners. He confirmed that the premises was not going to be operated as a drinking establishment and would not be suitable for stag and hen parties. Live music would be the occasional pianist or lunchtime Jazz band.
4. The representations made at the hearing by local residents who raised concerns about the proximity of the premises to their properties and the potential for public nuisance caused by restaurant customers leaving the area late at night. They advised that they had been happy with the planning application closing hour of midnight but felt that the 2am premises licence was too late in a tranquil area. Concerns were also raised by representatives of the Waterways Associations about the impact on people who moor their boats along the riverside.

5. Representations made by the Ward Councillor who advised that residents were upset at the 2am alcohol licence when they purchased their properties believing the proposed establishment would close at midnight. He raised concerns about the access to the restaurant and concerns about noise nuisance in the museum gardens area which is generally peaceful at night.
6. Written representations made by local residents during the consultation period.

In coming to their decision, the Sub-Committee were presented with the following 4 options:

- Option 1 Grant the variation to the Licence in the terms applied for.
- Option 2 Grant the variation to the Licence with modified/additional conditions imposed by the Licensing Committee.
- Option 3 Grant the variation to the Licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

Members chose Option 2 and agreed to grant the licence with modified/additional conditions as follows:

1. A CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.
2. The CCTV system will be maintained, working and recording at all times when the premises are open.
3. The recordings shall be of good evidential quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.

5. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
8. Open drinking vessels (to include bottles) of any type shall not be allowed to enter or leave the premises whilst under the customer's care.
9. Standard one pint capacity, two-third capacity, half pint capacity and 'highball' tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
10. The venue shall partake in the York Nightsafe Night-time Economy radio system.
11. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.

15. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
16. There shall be a minimum of 80 seated covers laid out at all times in the internal area of the venue.
17. There shall be a minimum of 40 seated covers laid out at all times in the external (outdoor) area of the venue when the outdoor area is being used.
18. An adequate number of Door Supervisors (at least one) shall be provided at the venue from 2200hrs on the following occasions:-
 - i) every Friday and Saturday evening
 - ii) the evening before a Bank Holiday
 - iii) the evening of race meetings held at York racecourse save for the family meeting held in September and the first meeting held in May).
19. All OFF sales shall be made in sealed containers.

The following shall apply to pre-booked private functions:-

20. Conditions 16, 17 & 18 shall not apply when the venue is being used for a pre-booked private function. For the purpose of clarity, a private function is one that has been booked in advance (see condition 21 below) and to which members of the general public are not allowed access unless partaking in the private function; such as a wedding, celebratory event or similar
21. A pre-booked function shall be classed as booked at least seven days in advance and the seven days shall not include the date the booking was made or the date of the event.
22. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for

investigating noise complaints received by Lendal Engine House and the Starr Inn the City (York) Ltd.

23. A documented customer dispersal policy shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it will be implemented.
24. No live or recorded music shall be played inside the premises after midnight. No live or recorded music shall be played in any part of the external area after 11pm.
25. The windows in the bar (as shown on drawing no. Y-245-06- 201) and the private dining room (as shown on drawing no. Y-245 06-202) shall remain closed at all times.
26. All doors (except for ingress or egress) and other windows not mentioned in the condition above, shall remain closed during the operation of regulated entertainment.
27. The garden terrace dining area shall be vacated and cleared by midnight on each night of the week.
28. Signs shall be displayed near the exits reminding members and guests to respect the needs of those living nearby and to leave the premises as quietly as possible.

All relevant mandatory conditions shall apply.

Reason for the decision:

The Sub-Committee concluded that the application was acceptable with the above additional/modified conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Resolved: That the application be granted in line with Option 2.

Reason: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 12.15 pm].