

Meeting	Licensing Hearing
Date	15 August 2013
Present	Councillors Boyce, Gillies and Richardson

9. CHAIR

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

10. INTRODUCTIONS

11. DECLARATIONS OF INTEREST

At this point in the meeting, Members were invited to declare any personal, prejudicial or disclosable pecuniary interests they had. None were declared.

12. THE DETERMINATION OF APPLICATIONS BY O'BRIEN LICENSING AND TRAINING SERVICES ON BEHALF OF HAYATI KUCUKKOYLU FOR TEMPORARY EVENTS SECTION 105 (2)(A) COUNTER NOTICE FOLLOWING POLICE AND ENVIRONMENTAL PROTECTION UNIT OBJECTIONS TO TEMPORARY EVENT NOTICES IN RESPECT OF EVENTS AT MACUMBA, 3 COFFEE YARD, YORK, YO1 8AR. (CYC-022413)

Members considered an application by O'Brien Licensing and Training Services for 7 Temporary Events Notices following Police and City of York Councils Environmental Protection Unit objecting to the applications.

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 forms for all 7 events. The dates of the events were as follows:
 - 17th to the early hours of 18th August
 - 23rd to the early hours of 24th August
 - 30th August to the early hours of 31st August
 - 6th September to the early hours of 7th September
 - 13th September to the early hours of 14th September
 - 20th September to the early hours of 21st September
 - 27th September to the early hours of 28th September
2. The Licensing Officers report and her comments made at the hearing. She advised that the applications were for Temporary Events at Macumba, 3 Coffee Yard, York. The nature of the TENs was to increase the licensed area of the premises to include the courtyard area and for the sale of alcohol and regulated entertainment between 1900 and 0300 the following morning for all proposed dates. The premise is not located within the special policy area.
3. The representations made in writing and at the hearing by North Yorkshire Police. They advised that given the nature of the TENS applications they would of expected a licence variation application instead. Although the premises was not in the Cumulative Impact Zone (CIZ), it was in area which had many licensed premises and had a problem with crime and disorder issues that peaked at 3am. The Police intended to request an extension of the CIZ in the near future to include the Swinegate area. The objection was down to strain on resources in the area late at night.
4. The representations made by the Councils Environmental Protection Unit (EPU) Officer who advised that the current licence only permits the use of a small part of the outside area and any extension would cause an increase in noise nuisance to local residents. He did not agree with the requested opening time of 03:00 as EPU had already received several complaints about the premises and it currently closes earlier at 01:30. He offered to assist the applicants in setting music levels in future.

5. The representations made by the applicants agent at the hearing. He offered two amendments to the applications; firstly he withdrew the outside area element of the applications and secondly, offered to close the premises at 02:30 instead of 03:00. He advised that the actual Macumba premises were not a hotspot for crime and disorder and disagreed with the Police evidence. He stated that his clients had purchased the lease, unaware that the premises licence only allowed them to open until 01:30 and they had applied for the temporary events notices to enable them to compete with neighbouring bars until a licence variation could be applied for. In regard to the comments made about noise nuisance he advised that his clients had worked hard in recent weeks to control the noise emanating from the premises and had spoken to local residents to inform them of the steps being taken to prevent noise nuisance.

The Sub Committee were presented with the following options:

- Option 1: Modify the terms of the TENs.
Option 2: Issue counter notices refusing authorisation of the TENs.
Option 3: Choose not to issue counter notices.

Members chose Option 2 and chose to issue 7 counter notices refusing authorisation of the TENs.

Reason for the decision:

The Licensing Authority decided that allowing the premises to be used in accordance with the Temporary Event Notices would undermine the prevention of public nuisance objective.

The Licensing Authority also took into account the evidence from the Police which suggested that allowing the premises to be used in accordance with the Temporary Event Notice, would undermine the crime prevention objective.

Resolved: That the 7 TENs be refused.

Reason: To address the issues raised by the responsible authorities.

Councillor Boyce, Chair

[The meeting started at 12.00 pm and finished at 2.25 pm].