
MEETING	LICENSING HEARING
DATE	2 OCTOBER 2006
PRESENT	COUNCILLORS SUE GALLOWAY (IN THE CHAIR), MOORE AND REID

13. Chair

RESOLVED: That Councillor Sue Galloway be elected as Chair of the meeting.

14. Declarations of Interest

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

15. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting prior to consideration of the personal data contained in Annexes 4 and 5 of Agenda Item 5 as provided by the Data Protection Act 1998.

16. The Determination of an Application by Mr Baki Kala for Determination of Application to Vary Premises Licence [Section 35(3)(a)] in respect of York Castle Takeaway, 51 Blossom Street, York, YO24 1AZ. (CYC-010757)

Members considered an application by Mr Baki Kala to vary a premises licence at York Castle Takeaway, 51 Blossom Street, York, YO24 1AZ.

In coming to their decision the Sub-Committee took into consideration all the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives, the prevention of public nuisance and public safety, including:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
2. The Licensing Officer's report and their comments made at the Hearing, including that there were two conditions on the present premises licence:
 - A litter pick to be carried out in the immediate vicinity of the premises on each and every day.
 - The premise licence holder to participate in the local Pub Watch scheme.

It was noted that the Applicant was in breach of the second condition listed above, as to date the premise licence holder had not registered with the Pub Watch scheme.

3. The Applicant's representations at the Hearing, including that he had not understood the second condition listed above, but would now register immediately with the Pub Watch scheme.

The Applicant expressed his concern that other takeaway businesses in the area had longer trading hours resulting in a detrimental effect on his business. With the agreement of all parties, the applicant circulated pictures showing the location of his premises in relation to other nearby takeaways and a petition signed by the residents of the first floor flats above the premises which stated that they had no objection to longer opening hours. Also, in an effort to reduce noise caused by delivery vehicles, the applicant offered to cease the delivery service at 00:00 hours.

4. The representations made by city of York Council Planning Department in writing and at the Hearing. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objectives listed above as prevention of public nuisance.
5. Written representations made during the consultation period.

The Sub-Committee agreed to grant the variation of the premises licence with the following conditions:

1. The variation of the licence shall **not** come into effect until written evidence is provided to the Licensing Authority that the premises licence holder has registered with the Pub Watch scheme.
2. The takeaway delivery services shall cease at 00:00 hours on each and every day, as offered by the applicant.
3. The premises shall be vacated and closed no later than the following times:

Monday to Thursday	01:00 hrs
Friday & Saturday	03:00 hrs
Sunday	00:00 hrs

All conditions offered by the Applicant in the application, including the operating schedule, for variation of the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

Sue Galloway
Chair

The meeting started at 10.20 am and finished at 11.20 am.