

Licensing Hearing

York Castle Takeaway

To: Councillors Sue Galloway, Moore and Reid

Date: Monday, 2 October 2006

Time: 10.00 am

A G E N D A

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

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

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 4 & 5 to Agenda Item *5 as provided by the Data Protection Act 1998.

5. 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)

Distribution:

Members of Licensing Act 2003 Sub-Committee
Licensing Officer
Legal Services
Applicant
Representors
Press, Libraries, Council Receptions

If you require any further information, please contact Melanie Carr on Tel 01904 552061 or Fax 01904 551035 or email melanie.carr@york.gov.uk

If viewing this on the Council website, please click on this link: melanie.carr@york.gov.uk

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Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than** 10.00 am on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 613161 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話(01904) 613161。

کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to; and
- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties

13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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Licensing Act 2003 Sub Committee**2 October 2006**

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for 51 Blossom Street, York, YO24 1AZ**Summary**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-010757
3. Name of applicant: Baki Kala
4. Type of authorisation applied for: Variation of a premises licence.
5. Summary of application: The nature of the application is to extend existing licensed hours for the provision of late night refreshment. The premise is currently licensed Monday to Saturday until 00:00 hours and Sunday until 23:30 hours. This variation seeks to extend the hours Monday to Thursday until 01:00 hours, Friday and Saturday until 03:00 hours and Sunday until 00:00 hours.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant does not propose any additional steps to address the licensing objectives.

Special Policy Consideration

9. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the

concentration of licensed premises in this particular part of the city centre. The special policy was approved by the licensing committee on 1 April 2005 and considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 9.

Consultation

10. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of 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. In addition the relevant ward councillors and/or parish council were notified by way of register.

Summary of Representations made by Responsible Authorities

11. A representation has been received from the following responsible authority relating to this application. This is attached at Annex 3 and summarised below:
12. City of York Council City Strategy (Planning): Make representations on the grounds of the prevention of public nuisance licensing objective in that there is a concern that would be an adverse impact on residential amenity by virtue of noise if extended hours were to be granted.

Summary of Representations made by Interested Parties

13. Representations have been received from the interested parties listed at Annex 4 (confidential). Their representations are attached at Annex 6.
14. The addresses of the interested parties are indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which representations were received is attached at Annex 7. Six representors are from the South Parade area, two are from the Moss Street area and one is from the East Mount Road area. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
15. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Options

16. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
17. Option 1: Grant the variation of the licence in the terms applied for.

18. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
19. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
20. Option 4: Reject the application.

Analysis

21. The following could be the result of any decision made this Sub Committee:-
22. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
23. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
24. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
25. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Objectives

26. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
27. These directly contribute to the Council's Safer City priority and corporate aim 4.
28. In addition the licensing objectives of public safety and prevention of public nuisance contribute towards corporate objective 1.4 – protection of residents from pollution, public health and safety hazards.

Implications

29.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A

- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

30. In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
31. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the objectives of this report.

Recommendations

32. Members determine the application.

Contact Details

Author:

John Lacy
Acting Licence Manager

Licensing & Regulation

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Report Approved ✓ **Date** 12 September 2006

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal and Democratic Services
Civic Democratic & Legal Services

Wards Affected: Dringhouses & Woodthorpe

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Application form
- Annex 3** - Representations from Responsible Authorities
- Annex 4** **(Confidential)** - List of Interested Parties
- Annex 5** **(Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 6** - Representations from Interested Parties
- Annex 7** - Map showing general area from which representations received
- Annex 8** - Mandatory Conditions
- Annex 9** - City Centre Special Policy Statement
- Annex 10** - Legislation and Policy Considerations

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 010757

Postal address of premises:

51 Blossom Street

Post town: **York**

Post code: **YO24 1AZ**

Telephone number: 01904 622022

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

LATE NIGHT REFRESHMENT

Indoors and Outdoors
Monday 23:00 - 00:00
Tuesday 23:00 - 00:00
Wednesday 23:00 - 00:00
Thursday 23:00 - 00:00
Friday 23:00 - 00:00
Saturday 23:00 - 00:00
Sunday 23:00 - 23:30

The Opening Hours of the Premises

Monday 16:00 - 00:00
Tuesday 16:00 - 00:00
Wednesday 16:00 - 00:00
Thursday 16:00 - 00:00
Friday 16:00 - 00:00
Saturday 16:00 - 00:00
Sunday 16:00 - 23:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

No supply of alcohol authorised

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Mr Baki Kala
Address: 51 Blossom Street
York
YO24 1AZ
Telephone number: 01904 622022
Email address: None

Annex 1 – Mandatory conditions

None

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. CCTV is installed and maintained on the premise.

Annex 3 – Conditions attached after a hearing by the licensing authority

2. A litter pick shall be carried out in the immediate vicinity of the premise on each and every day.
3. The premise licence holder shall participate in the local Pubwatch Scheme.



For and on behalf of
The Deputy Chief Executive

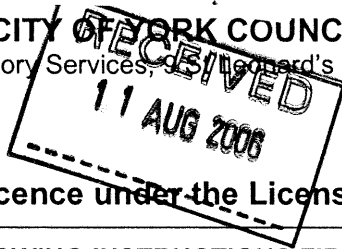
Date: 22/11/2005

Licensing & Regulatory Services
9 St Leonard's Place
York
YO1 7ET

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



CITY OF YORK COUNCIL
Licensing & Regulatory Services, 15 Leonard's Place, York, YO1 7ET



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Baki KALA (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

CYC 010757

Part 1 – Premises Details

Postal address of premises or, if none, ordinance survey map reference or description

51. Blossom st.

Post town

YORK

Post code

YO24 1AZ

Telephone number of premises (if any)

01904 622022

Non domestic rateable value of premises

£5000-00

Part 2 – Applicant Details

Daytime contact telephone number

07719646885

Email address (optional)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

KALA

First names

BAKI

Current postal address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Please tick ✓ yes

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect
from?

Day	Month	Year					

If 5000 or more people attend the premises at any one time please state the number
expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

I would like to alter opening
hours, hot food Takeaway &
No alcohol.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) play (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		Please give further details here (please read guidance note 3)
Tue					
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed					
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing																										
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>			Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
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Both																													
			Please give further details here (please read guidance note 3)																										
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)																										
			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)																										

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)																														
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>			Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
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			State any seasonal variations for providing dancing facilities (please read guidance note 4)																														
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)																														

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4) Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
				Both		
Day	Start	Finish	Please give further details here (please read guidance note 3) State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Mon	11am	12 midnight 10am				
Tue	>>	>>				
Wed	>>	>>				
Thur	>>	>>				
Fri	>>	3am				
Sat	>>	3am (230am)				
Sun	>>	12midnight.				

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises				
				Off the premises				
				Both				
Day	Start	Finish	State any seasonal variations for providing dancing facilities (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11am	11pm 10:10am	
Tue	>>	>>	
Wed	>>	>>	
Thur	>>	>>	
Fri	>>	03 AM or (02:30 am)	
Sat	>>	03 AM (02:30 am).	
Sun	>>	12 Midnight.	

Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

- We are suffering about our business closing early.
- By house pup of Fry way (fish & chips) opening 1am (by house 3am (fish & chips)).
- Between 12 midnight - 3am blossom st. busy ~~sect~~ in the shop. If we don't understand left hand side corner shop fish & chips. Right hand side pup can open business why not we are.

I have enclosed the premises licence Please tick ✓ yes
 I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

Same as before

b) The prevention of crime and disorder

CCTV
Alarm (burglar).

c) Public safety

first Aid

d) The prevention of public nuisance

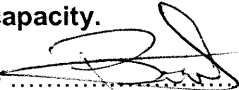
e) The protection of children from harm

- Please tick ✓ Yes
- I have made or enclosed payment of the fee
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I understand that I must now advertise my application
 - I have enclosed the premises licence or relevant part of it or explanation
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 10/08/06

Capacity OWNER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature
 Date
 Capacity OWNER

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

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Consultation with Responsible Authority

Resp Auth: CYC Planning

1. Application

Ref No: CYC/010757 (*license number*)

Premises: 51 Blossom Street Yorkcastle Takeaway

2. Representation:

Yes

Date: 21.8.2006

3. Representation details

Licensing Objective

Public Nuisance

Reason for representation (with regard to the relevant licensing objective(s))

It has been brought to the attention of the planning dept. that the aforementioned premises are in the process of submitting an application to extend its opening hours.

I write to advise you of planning permissions at the application site and also those nearby.

51 Blossom Street was granted planning permission at appeal to change the use into a hot food takeaway in 1998. The hours of opening were restricted to 24:00 (midnight).

Permission had previously been refused by planning committee in 1997, as there was a concern that there would be an adverse impact on residential amenity by virtue of noise.

Permission was also refused in 2003 to extend the opening hours until 02:00 the next day on Fridays and Saturdays.

At 49 Blossom Street Fryways there is a similar situation where the premises are required by planning condition to cease trading by 24:00. An appeal is awaiting determination by the secretary of state, which will determine whether the Local Planning Authority decision is overturned. If so, the premises would be allowed to operate until the hours granted by its premises license, until 03:00.

To summarise the planning department have resisted applications to extend opening hours in this area given the number of residential units nearby. Beyond the rear of the site there is a row of terraced dwellings, but more importantly, there are residential uses above ground floor level at Nos. 45, 47, 49, 51 and 53 Blossom Street. There is significant concern that noise pollution, associated with the comings and goings of customers, which although may not warrant police attention is likely to occur during opening hours to an extent that would unduly disturb and be detrimental to the amenity of nearby residents.

Conditions/Remedy

In determining the hours that the premises is allowed to open under the Licensing Act 2003, councillors are requested to take into consideration the information given above.

4. Contact details for Mediation

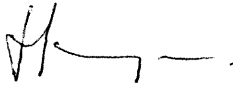
Name: Jonathan Kenyon

Email: jonathan.Kenyon@york.gov.uk

Phone number: 551323

Date sent to Licensing Authority: 21.8.2006

Signed:



*delete as appropriate

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

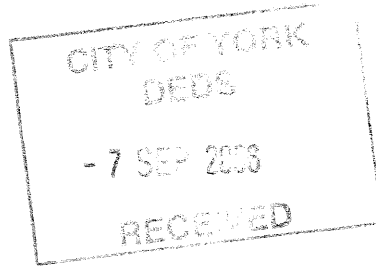
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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South Parade
York YO23 1BF



6 August 2006

117190

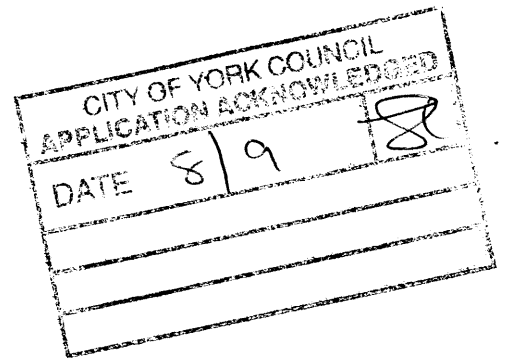
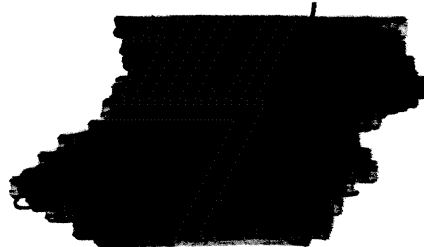
Dear Licensing Officer,

I am writing to you to raise a strong objection to the application for extended trading hours by York Castle Takeaway of 51, Blossom Street. Our locality is already sufficiently blighted by being at the end of the "Micklegate run" – with problems of litter, noise and antisocial behaviour such as low-level aggression, car crime, people urinating against walls and other consequences of evening drinking and takeaway consumption. It would be intolerable to have to suffer the consequences of this until the very late hour of 1 p.m. on weekdays and 3 a.m. on Saturdays. It seems an unacceptable degree of disturbance for a residential area.

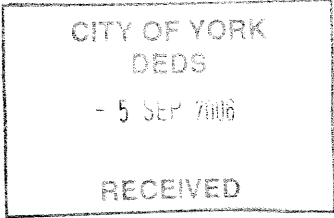
Surely at a time when government and local government are trying to deal with the major social problems of binge drinking and obesity it is thoroughly perverse to allow retail outlets to contribute to these undesirable trends almost around the clock?

I do hope that York Council will not allow these very unwelcome proposals to take place.

Yours faithfully,



Licensing Office
9, St Leonard's Place,
York YO1 7ET



[Redacted]
[Redacted]
[Redacted] South Parade
York YO 23 1BF

31.8.2006

Dear Sir

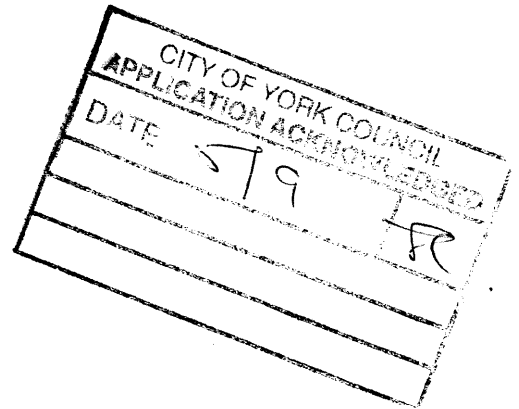
117165

Reg: Extension of trading hours NO 51 Blossom St Yorkcastle Takeaway

I object to above application

- Obesity is a major local and national health concern, extending eating and drinking hr will do nothing to curb these excesses
- As a local resident we suffer noise and public nuisance to extend this after midnight would be intolerable
- We suffer from frequent acts of vandalism to cars, road and walls in South Parade. It is a grade 2 listed row of houses and often admired by local visitors; it is kept tidy by the constant effort of local residents. Most litter comes from the local take- away shops. We do not want more litter and debris (including vomit and excrement) in our street.
- Most importantly: this would set a local precedents and quickly be followed by other applicant wanting to extend opening hr

Yours sincerely



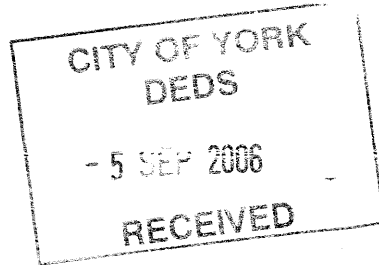
copy to Ward Councillors:

Could we please request support in this matter

[Redacted]
[Redacted]

Moss Street,
York

3rd September, 2006



Dear Sir,

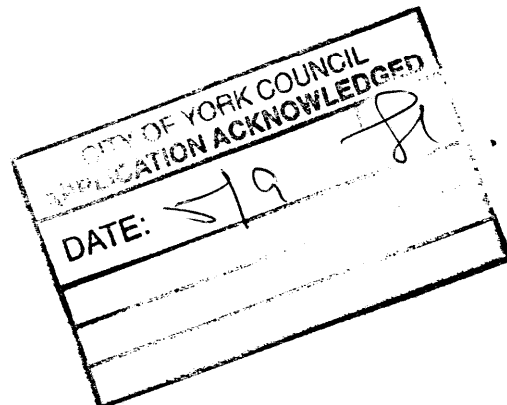
117162

Re. 51 Blossom Street, Yorkcastle Takeaway
Application for extension of trading hours.

We would most seriously voice our objection to the extension of hours for this shop, Already there are cars travelling up to this shop in the late evening at speed up Moss Street, and also customers on foot leave enough litter already without more being added to by the later hours of opening. This would also set a precedent for the remainder of the fast food outlets and I think the residential areas adjacent to Blossom Street already tolerate enough intrusion into their lives, caused by the fast food outlets on Blossom Street.

Yours Faithfully,

[Redacted signature]



Licensing Office,
Department of Planning and Development,
9, St; Leonards Place,
York
Y01 7ET

Copy to Cllr. Dave Merrett.

■ South Parade York YO23 1BF

Licensing Office
City of York Council
Planning and Sustainable Development
9 St. Leonard's Place
York,
YO1 7ET

CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE:	5/9/06

3 Sep 2006

117164

Dear Licensing Officers,

Re: Variation to trading hours Baki Kala, 51 Blossom St Yorkcastle takeaway

I am writing in strongest possible objection to the proposed extension of opening hours of the No 51 Blossom St, Yorkcastle takeaway on grounds of (a) anti-social hours with attendant social and health problems; (b) noise and disturbance; (c) unsavoury and noisome smells in residential areas; (d) absence of any compelling need for such extended hours beyond the personal profits of the proprietors.

1. We live in an adjoining street and we are very concerned that the extra noise, including traffic, car doors banging, etc through the night every night, particularly all night long on Saturday nights will seriously disturb the sleep of our young child. Slamming of car doors, shouting, drunkenness will, sadly, ensue inevitably if the extended hours are granted.
2. The proposed longer hours will inevitably bring with them more noise, more litter – and more vomit on our streets. We already endure more than is appropriately required of York residents living in a largely residential area such as ours. The council cannot afford to maintain extra cleaning teams as will be required. Residents will therefore be faced with the squalid problems on their doorsteps.
3. The longer hours will encourage more night binge-drinking in the vicinity followed by a late-night splurge on take-away food. Medical practitioners throughout GB are already seriously concerned by the widespread problems caused by alcohol abuse and by unhealthy eating. This proposal encourages both habits and will directly feed the creation in York city centre of squalid and unhealthy patterns of behaviour. More healthy eating and fewer fast food outlets are urgently required in Blossom Street.
4. There is no good reason why take-away food should be served up until 1.00 a.m. on Monday-thursday or 1.00 a.m.-0700 on Friday & Saturday, or until midnight on Sunday. The proposal is motivated entirely by the greed of the owners to make more profit. Takeaway food is already widely available throughout the city at all reasonable times.
5. The longer hours will require staff in the shop concerned to work unsocial hours. Shift work is associated with a range of serious medical problems, including widespread depression.
6. The proposed longer hours contribute to the erosion of all distinction between day and night, work and rest. Distinctions which define our days and lives and give structure and meaning to us all. We destroy these at the cost of social cohesion and social well-being in general.


7. Residents are already plagued in this vicinity by the truly quite disgusting smells of frying fat (of cheap quality) from the fast food outlets, including the fish-and-chip shop at 49 Blossom street and Yorkcastle takeaway at 51 Blossom St. On occasion, these smells have caused me to feel very nauseous, and they sometimes – depending on the direction of the window) prevent me from sitting in my garden. Children also find them noxious. If the Yorkcastle takeaway hours were to be extended, we would not be able to open our bedroom windows during the hot summer months to ventilate our houses, day or night, because of these truly unpleasant smells.
8. If these hours are granted, other shops here and elsewhere will use this as a precedent to make similar claims.

These objections above cover a considerable range. But my greatest concern is that York City Council should not concede to the demands of businesses when the health and well-being of residents, especially of children, is thereby jeopardised.

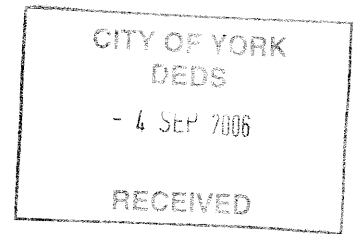
I urge you to reject this unnecessary proposal.

Please acknowledge receipt of this letter.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

Cc: Cllr Dave Evans



Licensing office
9 St Leonard's place
York yo1 7ET

117155

Dear Sir

Application by Yorkcastle takeaway

2/9/06

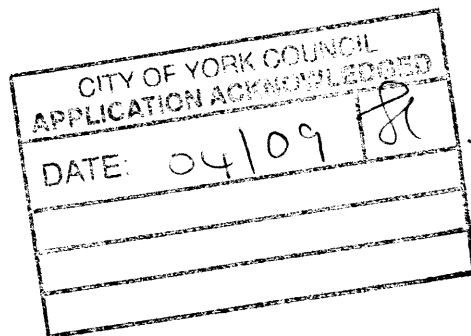
I write to object to the application by the above to extend their opening hours.

This area suffers from increasing problems of litter, anti social behaviour, particularly urinating in the street, and the unpleasant smells of deep fried "food". In particular gangs of drunken yobs frequently gather late at night for the purpose of consuming take away food. The litter is often dumped in our street. In addition there is no legal parking in the vicinity of the outlet concerned; much of it unfortunately ends up in our street or badly parked on a double yellow line outside. We feel the problems will become worse and the level of nuisance late at night increased if this application is allowed.

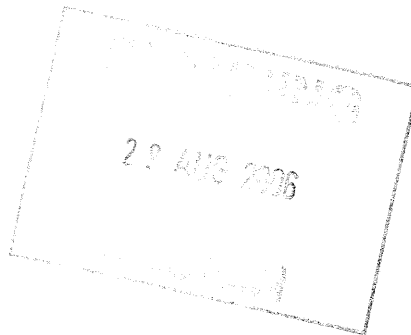
I hope you are able to take my strong opposition and that of my neighbours into account when this application is considered.

Yours faithfully

[Redacted signature]



City of York council
Licensing Office
9, St Leonards Place
York YO1 7ET



Aug 28th 2006

Re: Application for extension of trading hours – Yorkcastle Takeaway, 51 Blossom Street, York

Dear Sirs,

I am extremely concerned to hear that Yorkcastle Takeaway located at 51 Blossom Street, York, YO24 1AZ has applied for an extension of working hours till 1am Mon-Thu, 3 am Fri-Sat and midnight on Sunday.

The area is already suffering from the littering, noise, crime and general disorder resulting from this shop (and neighbouring take away shops) being open till 23.00 Monday to Sunday. Allowing them to open any later equates to condemning the local residents to sleepless nights and more fast food remains on window silts, front doors and cars parked along Moss Street. Not to mention the public nuisance, vandalism and the danger to local residents who regularly get abused by drunken "clients" of the afore-mentioned shops.

I appreciate that it is not Mr Baki Kala's fault that the shop's clientele is prone to littering and generally being noisy and disorderly when they leave the shop, but we all know what type of clientele they attract around 11.00pm. More of the same unsociable, abusive and rowdy clientele would be flocking to the area if the shop was opened any later. I for one have felt threatened more than once, to the point that I am seriously considering moving away from the area. We have also suffered damage to our property by "unknown" individuals that having had a bit too much to drink decide to vandalise our neighbourhood.

Allowing this application to go through would also set a very dangerous precedent for other fast food outlets in the area which could follow suite (I believe this is already the second application of this type, the Fish and chips shop at 49 Blossom Street having been the first).

The majority of the residents of Moss Street are hard working individuals who need their sleep at night. Surely this government should protect them rather than the greed of local businesses? For the few more pounds they can make in additional hours of trading you want to condemn an entire street to guaranteed nightly disturbances, abuse and even more litter?

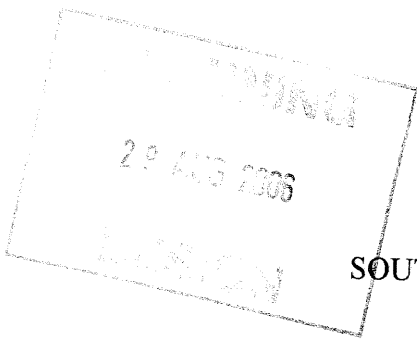
I would appreciate it if you could keep my contact details confidential and if you could inform me on the decision by email as soon as it has been reached.

Kind regards



CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE	04/09/06
	SR

7



SOUTH PARADE SOCIETY

South Parade,
York, YO23 1BF
25-8-06

Dear Sirs,

Subject – Application CYC010757 – Yorkcastle Takeaway
51, Blossom Street. York YO24 1AZ

Our Society wishes to make the following comments on the above application for extended hours of opening.

The area surrounding Blossom Street is predominately a residential area that already suffers considerable noise and public nuisance until the early hours of the morning, particularly Friday and Saturday nights.

An extension of trading hours will considerably exacerbate the problem.

It will promote the sale of food to people who are very likely to have drunk far too much alcohol and inevitably lead to additional vomiting in the area; residents often having to clear this up!

There will be a considerable increase in general noise and nuisance; people eating and drinking in the early hours of the morning seldom do so quietly!

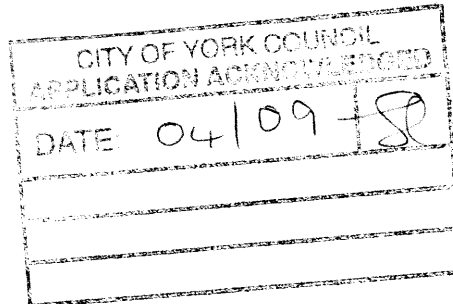
There will also be a likely increase in general crime and disorder.

There is also the inevitable increase in litter deposited in the area, only some of which gets cleared up by CYC services.

In our opinion there is absolutely no good reason for an extension to the trading hours in this location that won't seriously affect the quality of life for many local residents.

Yours faithfully

[Redacted signature]



CITY OF YORK
DEDS
22 AUG 2006
RECEIVED

**SOUTH PARADE
YORK
YO23 1BF**

Email: [REDACTED]

PHONE [REDACTED]

21 August 2006

Licensing Office
City of York Council
9 St Leonard's Place
York
YO1 7ET

117977

Dear Sir

**CYC010757
51 Blossom Street York YO24 1AZ**

I would like to object to the application for a variation to the above premises licence. The increased hours, if approved, would lead to more people hanging around in the early hours of the morning often the worst for drink. This would add to disorder and public nuisance in what is both a residential area and one frequented by elderly tourists staying in the local hotels.

Yours sincerely

[REDACTED SIGNATURE]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 22/08 [INITIALS]

cc. Councillors D.Evans, D.Merrett and S.Fraser

9

York City Council
Licensing Office
9, St Leonard's Place,
York YO1 7ET

7 September 2006

Dear Sirs,

Application No: 10757 : York Castle Takeaway variation to premise licence.

I hope that permission for the above variation to premise licence will be refused on the grounds that the premises in question are so close to residential properties in the area and that there will be a conflict of interests between residents trying to sleep and the noise pollution and sometimes unruly behaviour of late night revellers whose insensitivity to others is already manifest in their slamming car doors, car music, shouting and roistering, and when not vomiting on the pavements, strewing food and drink packaging and other droppings in people's doorways, forecourts, hedges and the streets in general.

Having paid the York Council Tax, is it too much to expect that night-time peace and quiet be maintained rigorously from midnight onwards?

BBC 1 News : 6pm Tuesday 10 JUN 03

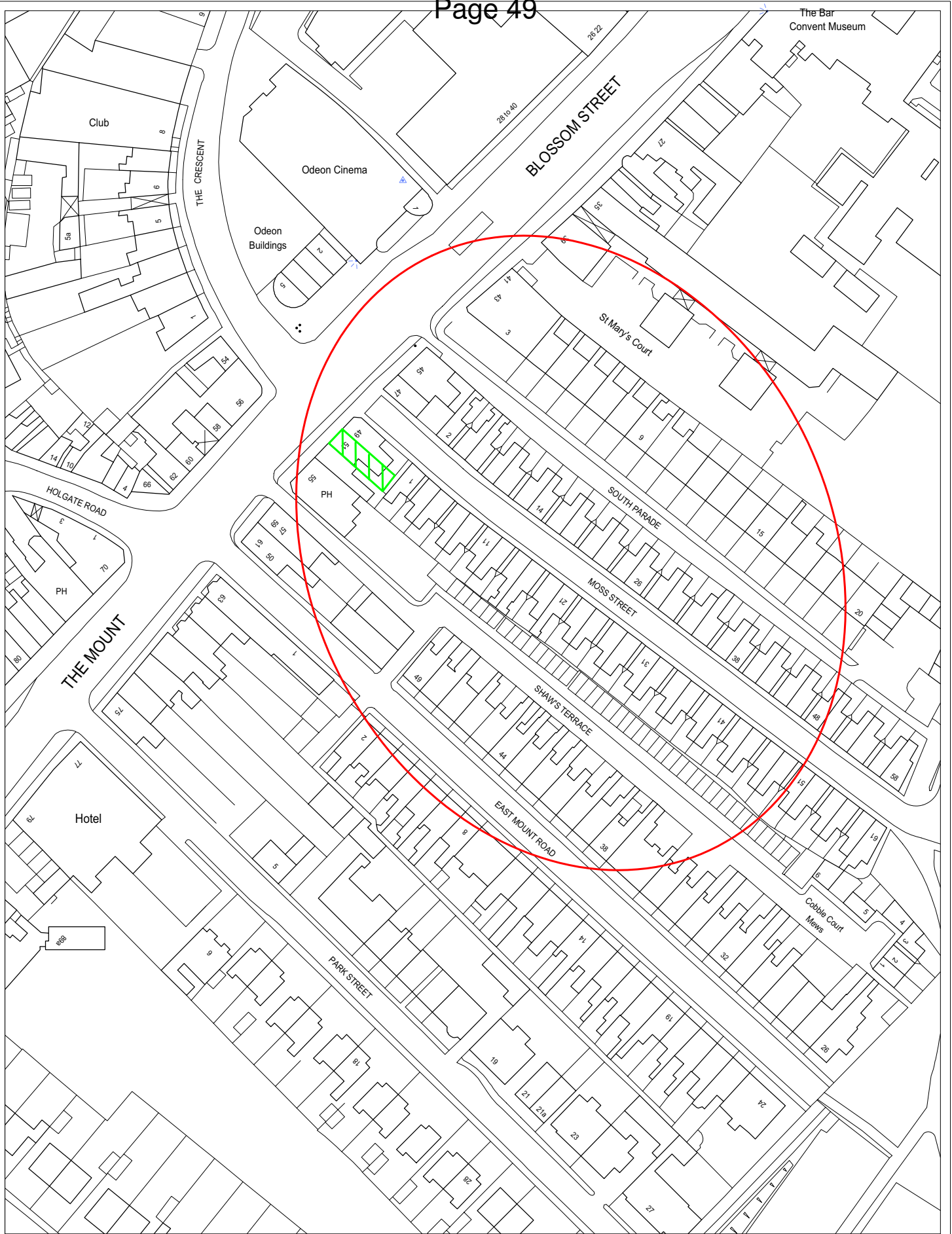
'Home-track Research Findings'

Takeaways can lower nearby residential property values by 15%!

Yours faithfully,

[Redacted signature]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 11/09 [Signature]



CITY OF
YORK
COUNCIL

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

York Castle Takeaway - 51 Blossom Street York

SCALE 1:1250

DRAWN BY JB

DATE 11/9/2006

Originating Group

Project

Drawing No.

Organisation

JC 10A



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**MANDATORY CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITION: EXHIBITION OF FILMS

- (1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

MANDATORY CONDITION: DOOR SUPERVISION

- (1) In accordance with section 21 of the Licensing Act 2003, where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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6.3 CITY CENTRE SPECIAL POLICY STATEMENT

This Special Policy was approved by the City of York on 12 April 2005 and shall have effect from 13th April 2005 to 6 January 2008 unless otherwise reviewed by the Council.

This Special Policy is a supplement to the Council's Statement of Licensing Policy and must be read in conjunction with that document.

This Special Policy relates to the following streets:

Micklegate, Toft Green, Tanner Row, Rougier Street, George Hudson Street, Bridge Street, Low Ousegate, Clifford Street, Tower Street, Tanner Moat, Wellington Row, North Street, Cumberland Street, King Street, Lower Friargate, Kings Staith, Peckitt Street, Blossom Street (to Holgate Road) and The Crescent (see Appendix K, Map of Special Policy Area).

This area has been identified as requiring additional licensing controls to promote the licensing objectives due to the cumulative effect of the concentration of late night drink led, refreshment and entertainment premises on crime, disorder and/or public nuisance affecting residents, visitors and other businesses.

A statistical, evidence based report was submitted by North Yorkshire Police to substantiate this statement and was considered by the City of York Council in approving this policy.

Consultation on the Special Policy was carried out in accordance with Section 5(3) of the Licensing Act 2003.

Effects of the Special Policy

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
2. Each application will be considered on its own merits.
3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
4. Applications for the grant of a new premises licence or club premises certificate or provisional statement :

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation :

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s34 application to vary premises licence; s35 determination of application under section 34; s36 supplementary provision about determinations under section 35; and ss19, 20 and 21 mandatory conditions.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Paragraphs 5.47 Steps to promote the licensing objectives; 13.25 to 13.29 Variations of new premises licences.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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