
MEETING	LICENSING HEARING
DATE	17 JULY 2006
PRESENT	COUNCILLORS MOORE (IN THE CHAIR), REID AND I WAUDBY

9. Chair

RESOLVED: That Councillor Moore be elected to act as Chair of the meeting.

10. Declarations of Interest

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

11. 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 2a and 4 to Agenda Item 5 as provided by the Data Protection Act 1998.

12. The Determination of an Application by Hotel du Vin Ltd for a provisional statement [Section 31(3)(a) in respect of 89 The Mount, York. (CYC-011565)]

Members considered an application by Hotel du Vin Ltd for a provisional statement in respect of 89 The Mount, York.

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 objective, the prevention of public nuisance, including:

1. The application form, in particular the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and their comments made at the Hearing, including that a schedule of works had been submitted and this was circulated at the Hearing. Option 4 in the report was amended so that this option stated that the provisional statement could indicate that a premise licence be refused.

Additional brochures were circulated at the Hearing with the agreement of all parties.

It was reported that two letters from representors received during the consultation period had been rejected, as the representors were

not considered to live within the vicinity of the premises and would not be reasonably affected by activity at the premises.

It was reported that the Applicant had submitted a planning application which had been amended with revised plans. The original plans had been submitted with the application for a provisional statement. However, as the consultation had been carried out with consideration to the original plans, it was not possible to update the application and the Applicant wished to proceed with the application for a provisional statement as submitted.

3. The Applicant's representations at the Hearing, including reassurance that the hotel would be a well run high quality establishment, in line with other hotels run by the company.
4. The representations made by Councillor Bartlett at the Hearing who spoke on behalf of his neighbour. The Sub-Committee considered the representation to be relevant to the issues raised and the licensing objective, the prevention of public nuisance, as concerns were raised about public nuisance in a residential area from use of the outdoor areas and the car park.
5. Further representations made by local residents in writing and at the Hearing as concerns had been raised that the licensing objectives had not been properly addressed in the application to address the impact on local residents.
6. Written representations made during the consultation period.

The Sub-Committee decided that if a premises licence were approved in the form described in the provisional statement application it would be appropriate to impose the mandatory conditions set out in Sections 19 and 21 of the Licensing Act 2003, and the following additional conditions:

- i) Private functions shall cease at midnight Sunday to Thursday
- ii) Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises.
- iii) Door staff shall be required on race days, in consultation with the police.
- iv) There shall be no adult entertainment at the premises, as agreed with the Applicant at the Hearing.
- v) All external drinking areas, other than the courtyard, shall be vacated, cleared and cleaned by 23:30 hours.

ADVISORY

1. The Licensing Sub-Committee expects that an application for a premises licence will address more fully steps intended to be taken to promote the licensing objectives.

R Moore

Chair

The meeting started at 10.25 am and finished at 12.15 pm.