
MEETING	LICENSING HEARING
DATE	2 APRIL 2007
PRESENT	COUNCILLORS NIMMO, SUE GALLOWAY AND WILDE

58. Chair

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

59. Declarations of Interest

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

60. The Determination of an Application by Spirit Group Ltd for The Determination of an application to Vary a Premises Licence Section 35(3)(a) in respect of The Cross Keys, 32 Tadcaster Road, Dringhouses, York, YO24 1LQ (CYC-009012)

Members considered an application by Spirit Group Ltd to vary a premise licence at the Cross Keys, 32 Tadcaster Road, Dringhouses, York, YO24 1LQ.

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 existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and his comments made at the Hearing including the fact that the Environmental Protection Unit had not received any complaints regarding the premises in the past.
3. The Applicant's representations at the Hearing including that they are proposing to introduce a new menu to encourage the food side of the business. They are not envisaging large groups of people congregating to smoke in the garden and have stated that their staff will monitor the smoking area on a regular basis to ensure that noise nuisance is kept to a minimum.
4. The representations made by Councillor Reid on behalf of a local resident, including that the main concern was with the layout of the garden and the fact that noise carries very easily. It was stated that it was very important to get the correct balance between providing

an external smoking facility on the premises and minimising noise nuisance to local residents.

5. Written representations made during the consultation period.

Members were presented with the following options:

- Option 1** Grant the variation of the licence in the terms applied for.
Option 2 Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
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.
Option 4 Reject the application.

RESOLVED: That in line with the above **Option 2** the variation to the premises licence be granted with the following conditions and informatives.

Conditions

- The external drinking area will be cleared and cleaned by 23:20 for all licensable activities.

Informatives:

- The management must be aware that they are still responsible for any noise nuisance/light pollution emanating from this area at all times.
- The management must be aware that a review can be brought about if the circumstances deem it to be necessary.
- The Applicant must heed the condition that bi-monthly meetings shall be held between the designated premises supervisor and local residents, at which all matters of concern raised by the residents shall be considered.

Councillor G Nimmo
Chair

The meeting started at 10.05 am and finished at 10.40 am.