

Meeting	Licensing/Gambling Hearing
Date	2 November 2023
Present	Councillors Cuthbertson, Mason and Nicholls

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**7. Chair (10:16am)**

Resolved: That Councillor Cuthbertson be elected to act as Chair of the hearing.

**8. Introductions (10:17am)**

The Chair invited those present to introduce themselves; the Sub-Committee Members, the Legal Adviser, the Licensing Manager, the Democratic Services Officer, the applicant: Nicholas Charles West, and the representor: Matt Harris.

**9. Declarations of Interest (10:17am)**

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. No interests were declared.

**10. Exclusion of Press and Public (10:18am)**

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**11. Minutes (10:19am)**

Resolved: That the minutes from the Licensing Hearings held on 11 September 2023 be signed and approved as an accurate record.

**12. The Determination of an Application by Nicholas Charles West for Premises License [Section 18(3)] in respect of Bison Coffee Bar, 17 Heslington Road, York, YO10 5AR. (CYC-074343) (10:20am)**

Members considered an application by Nicholas Charles West for a premises licence in respect of Bison Coffee Bar, 17 Heslington Road, York.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The prevention of crime and disorder.
2. The prevention of public nuisance.

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 above licensing objectives, including:

1. The application form.
2. The papers before it, including the written representations received from local residents.
3. The Licensing Manager's report and her comments made at the Hearing.

The Licensing Manager outlined the report and annexes, and it was noted that there was a rear outside patio area described within the application, and that the premises were not situated inside the Cumulative Impact Area (CIA). It was noted that there were no representations from Responsible Authorities and that additional conditions had been agreed with North Yorkshire Police, as set out in Annex 3. She also drew attention to the one representation made by other parties at Annex 6. Finally, she advised the Sub-Committee of the options open to them in determining the application.

In response to questions from the applicant the Licensing Manger confirmed that she was not aware of any request received from the Applicant for a reduction in the hours

applied for in the Application and that he may wish to address this in his representation.

#### The Applicant's representations at the Hearing.

The Applicant noted that the use of the rear patio area described in the application was no longer a viable option to be pursued. The Applicant stated he wanted to reduce the times requested in the application for the opening hours and the sale of alcohol in order to bring these in line with the planning permission. The applicant requested a reduction in hours to 6pm Monday-Friday, 9pm Saturday and 5pm Sunday, as opposed to 11pm everyday as indicated within the application and the Licensing Manager's report.

The Applicant made comments towards the representation from Annex 6, stating that Heslington road was not a quiet residential street, and that when he had undertaken observations of the street, he had counted 500 cars per hour, and 360 per hour during three one-hour observations.

The Applicant stated that Deliveroo work with the premises but will only be active from 3:30pm. The Applicant outlined that there were other business within the area such as a pizza shop operating from 3:45pm, and Victoria Hotel operating from 8am-late. The Applicant noted that the layout of the building and its situation in relation to neighbouring buildings was an issue for noise pollution and indicated that all events would be non-amplified.

It was noted that visitors would be reminded to consider neighbours when they leave the premises. The Applicant commented that terms used in the press to label the premises an 'Out-and-out bar' were incorrect and that it also a coffee shop, not looking to serve alcohol until 11am.

The Applicant then stated that he had received good feedback regarding his application from customers saying it would provide a good environment for students to interact. He also stated that it would be good for the local

economy as he employed students from the area to work at the premises.

The Applicant concluded by confirming that the rear patio area was no longer being pursued and was not included within the plans of the premises.

In response to questions from the Sub-Committee, the Applicant confirmed that:

- He had experience of holding different types of licences previously.
- He was confident that the closing times of 6pm on Monday-Friday, 9pm on Saturday, and 5pm on Sunday was acceptable.
- All staff would receive training on Challenge-25, and that staff with previous experience within the industry were hired. He noted that documentation of Challenge-25 training would be required. He was not aware of any official challenge-25 training, but ensured he would look into this and would provide verbal training as a minimum.
- Wine, beer, and a small selection of cocktails would be available, as the premises was small it wasn't possible to have lots of variety.

The representations made by local residents.

Matt Harris indicated that he had no objection to the venue, but to the late-license hours.

He stated that Heslington Road was a quiet street in the evening, which is when the licence will be applied, and that he could hear noise on the street from other businesses. He stated that he didn't want the premises to effect peace at home on an evening, and that families with children had recently moved in nearby to the venue without knowing it would be opening. He supported the revised opening hours outlined by the Applicant for: 9am-6pm Monday-Friday, 9am-9pm Saturday, and 9am-5pm Sunday. He concluded by stating the amplification of music and events was an issue and supported the Applicant's proposal of not amplifying any events.

The Representors and the Applicant were each then given the opportunity to sum up.

Matt Harris declined the opportunity to sum up. The Applicant summed up by confirming the revised opening hours previously outlined, that there was no desire to go beyond these times, and that events would be held without amplification.

It was confirmed that the revised hours were for alcohol licensing, and that the premises would still open from 9am before the sale of alcohol was permitted.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. **This option was rejected.**

Option 2: Grant the licence with modified/additional conditions imposed by the sub-committee. **This option was approved.**

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. **This option was rejected.**

Option 4: Refuse to specify a person in the licence as a premises supervisor. **This option was rejected.**

Option 5: Reject the application. **This option was rejected.**

Resolved: That Option 2 be approved, and the licence be granted for the following activities and timings with modified/additional conditions imposed by the Sub-Committee as set out below:

Activity	Timings
Supply of Alcohol – Both on and off the premises	11:00 to 18:00 Mon to Fri 11:00 to 21:00 Sat 11:00 to 17:00 Sun
Opening hours	09:00 to 18:00 Mon to Fri 09:00 to 21:00 Sat 09:00 to 17:00 Sun

The conditions agreed between the Applicant and North Yorkshire Police set out in Annex 3 of the agenda shall be added to the licence.

The conditions contained in the Operating Schedule shall be added to the licence unless contradictory to the above conditions.

The licence is also subject to the mandatory conditions applicable to licensed premises.

Reasons for the decision:

The Sub-Committee carefully reviewed all the information presented from all parties in light of the licensing objectives and decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the licensing committee, for the following reasons:

- i. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy;
- ii. The Sub-Committee noted that the premises are not located within an area where a cumulative impact policy applies;
- iii. The Sub-Committee acknowledged the Applicants request for a reduction in the hours applied for;
- iv. The Sub-Committee considered the concerns raised by Mr Harris at the hearing and in his written representation. The Sub-Committee also noted his support of the Applicants request for reduced hours;
- v. The Sub-Committee noted that Applicant had agreed with the Police to the imposition of additional conditions. The

sub-committee considered that the conditions were justified as being appropriate and proportionate for the promotion of the licensing objectives;

- vi. The Sub-Committee were assured by the applicant's previous experience and his responsible attitude that the licensing objectives would be unlikely to be undermined;
- vii. The Sub-Committee was satisfied on the basis of the evidence before it that the prevention of crime and disorder and the prevention of public nuisance objectives would not be undermined.

Cllr Cuthbertson, Chair

[The meeting started at 10:16am and finished at 11:20am].