

Meeting	Licensing Hearing
Date	21 August 2017
Present	Councillors Douglas, Mason and Pavlovic

11. Chair

Resolved: That Councillor Mason be appointed to Chair the meeting.

12. Introductions

13. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared

14. Minutes

Resolved: That the minutes of the Licensing Hearing held on 26 June and the Taxi Licensing Hearing held on 17 July be approved as a correct record and signed by the Chair.

15. Determination of an Application by Mr Shaun Binns & Mrs Jamie-Leigh Binns for a Premises Licence Section 18(3)(a) in respect of 7 Kings Staith, York, YO1 9SN (CYC-058743)

Members considered an application by Shaun Binns and Mrs Jamie-Leigh Binns for a Premises Licence Section 18(3)(a) in respect of 7 Kings Staith, York, YO1 9SN.

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

1. Prevention of public nuisance.
2. Prevention of crime and disorder.

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 Licensing Officer's report and her comments made at the Hearing. She outlined the application and advised that the premises were inside the special policy area (as approved by Full Council on 27 March 2014) and that consultation had been carried out in accordance with the Licensing Act 2003.
3. The applicants representations at the Hearing. They advised that they only intend to serve alcohol from 8 am to residents with breakfast, for example a champagne or bucks fizz breakfast . Furthermore, the applicants stated that they intended to operate the premises as a bistro, that all the tables would be waiter/waitress served and that they had agreed to all the police requirements regarding door staff. With 30 indoor covers, the premises would not be able to accommodate groups of people vertical drinking.
4. The representations made in writing and at the hearing by a local resident. He felt that the applicant had addressed his concerns regarding the serving of alcohol from 8.00 am as this would be indoors only before 10am. However, he was opposed to vertical drinking and felt that the premises should be required to remain as a restaurant.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of 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) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

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

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

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. This option was **rejected**.

Option 4: Reject the application. This option was **rejected**.

In agreeing **Option 2**, any applicable mandatory conditions of the Licensing Act 2003 as amended were imposed on the licence together with the 21 conditions proposed by the applicant's operating schedule (as set out in paragraphs 9, 10 and 11 of the Licensing Officer's report) subject to the following modifications:

- Change 9 b) to: There shall be a minimum of 30 table covers available indoors at all times the premises are trading.
- Change 9c) to: 'Customers shall be served by way of waiter/waitress service only'.

The following additional condition was also imposed on the licence:

Between the hours of 08:00 and 10:00 each and every day alcohol shall only be served ancillary to the provision of food.

The Sub-Committee noted the local resident's concerns as to the potential effect of the premises on the special policy area. Having applied the policy, the Sub-Committee noted that the applicant was required to establish that the application would not add to or increase issues already experienced in the area. The Sub-Committee considered this point very carefully and determined that given the absence of representations from responsible authorities that this was not likely. The Sub-Committee noted the operating schedule and considered that it had received sufficient assurances from the applicant in order to have a high level of confidence that the premises would be operated responsibly and that the application with the mandatory and above modified and additional conditions would not add to or increase issues already experienced in the area or

undermine the promotion of the licensing objectives. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was reasonable and proportionate. They reminded the applicant of the necessity of complying with all of the conditions.

The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Councillor Mason, Chair

[The meeting started at 10:00 and finished at 11:00].