

Meeting	Licensing Hearing
Date	4 September 2017
Present	Councillors Gillies, Orrell and Taylor

16. Chair

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

17. Introductions**18. 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.

Councillor Gillies declared a personal, non-pecuniary interest as one of the representors had been Leader of the Labour Group when he was Leader of the Conservative Group.

19. The Determination of an Application by Make it York for a Premises Licence Section 18 (3) (a) in respect of Shambles Market, York, YO1 8RY (CYC-058836)

Members considered an application by Make it York for a Premises Licence Section 18(3)(a) in respect of Shambles Market, York, YO1 8RY.

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

- The prevention of public nuisance
- The 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, 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 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 applicant's representations at the Hearing and those of Chris Price – Head of City Centre for Make it York. They advised that they were aware this application fell within the special policy area and the implications of this. With this in mind they had consulted with North Yorkshire Police and the Licensing Officer to agree additional conditions listed on the application form.
4. The three written representations received from residents.

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 licence in the terms applied for and including any applicable mandatory conditions of the Licensing Act 2003. This option was **rejected**.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was **approved** with the following modified conditions:

- All alcohol sales to be ancillary to meals
- No off sales to be permitted

- Hours of operation will be 12:00-21:00 for all licensable activities
- Toilets to be opened until 21:00 for the duration of all events
- The licensable area will be as shown on the amended map (attached).

Option 3: Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions of the Licensing Act 2003 as amended. This option was **rejected**.

Option 4: Reject the application. This option was **rejected** as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

The Sub-Committee noted the residents' 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 in coming to their decision to approve Option 2, the Sub-Committee was mindful of the fact that no representations had been received from responsible authorities. They had concerns over the 'cobbled area' outside of the food court attracting groups of people who would be vertical drinking and so amended the licensable area and conditioned that alcohol only be served ancillary to meals to prevent vertical drinking and to ensure that the premises would be food-led. They felt that off sales were not suitable in this part of the City Centre as they may contribute to anti social behavior issues. Hours of operation were reduced to 12:00-21:00 for all licensable activities, given that this was a residential area and to minimise public nuisance. It was conditioned that the public toilets on Silver Street be opened for the duration of all events running to 21:00, with an informative that toilets could be opened at all other times alcohol was being served to reduce instances of anti-social behavior as detailed in the written representations.

The Sub-Committee considered that the application with 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. All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that the application was acceptable with the above mandatory conditions attached which addressed representations made in writing, as it met all the licensing objectives. 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 Gillies, Chair

[The meeting started at 10.00 am and finished at 11.00 am].