

MEETING

LICENSING/GAMBLING HEARING

DATE

7 JUNE 2007

PRESENT

COUNCILLORS HYMAN, REID AND D'AGORNE

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**5. Chair**

RESOLVED: That Councillor Reid be elected as Chair of the meeting.

**6. Declarations of Interest**

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

**7. 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 2 & 4 to Agenda Item 5 as provided by the Data Protection Act 1998.

**8. The Determination of an Application by Shaun Robert Binns for Section 18(3)(a) Determination of Application for a Premises Licence in respect of a proposed pavement cafe on Kings Staith (The Lowther, 8 Cumberland Street, York, YO1 9SW) (CYC-012921)**

Members considered an application by Mr Shaun Robert Binns for a Premises Licence in respect of a proposed pavement café on Kings Staith affiliated to The Lowther, 8 Cumberland Street, York.

Members were presented with the following Options:

**Option 1** Grant the licence in the terms applied for

**Option 2** Grant the licence with modified/additional conditions imposed by the Licensing Committee

**Option 3** Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly

**Option 4** Reject the application

Representations were received by the Applicant at the Hearing who stated that the area would be staffed at all times.

Representations were also received from a local resident both in writing and at the Hearing. The Sub-Committee considered the representations to

be relevant to the issues raised and to the licensing objectives as the concerns related to noise nuisance and public safety.

Taking into consideration the representations made in writing and at the Hearing, the licensing objectives and the City of York Council's Statement of Licensing Policy, the Sub-Committee agreed to grant the licence with mandatory condition 18 and additional conditions:

RESOLVED: That, in line with above **Option 2**, the premises licence with mandatory condition 18 and the additional conditions listed below be granted.

1. Supply of alcohol will be from 10am to 8pm on each and every day
2. The premises will be allowed to open from 10am to 8:30pm on each and every day
3. The area to be closed by 8:30pm
4. The area to be cleared and cleaned by 9:30pm
5. The conditions agreed with the North Yorkshire Police as set out below with a modified condition at (vi) a)
  - (i) The area shall be covered by CCTV. The system is to be fully maintained and operating at all times when open to the public. Images of which will be recorded and kept for at least 7 days.
  - (ii) Continuation of participation in the Pubwatch Pager Scheme.
  - (iii) No glass vessels (including bottles) are to be used at the premises.
  - (iv) Customers will only be served by way of 'table service' and should not be allowed to purchase drinks from inside The Lowther and carry them outside to the premises.
  - (v) Members of staff should be at least 18 years of age.
  - (vi) SIA registered doorstaff will be employed on the following occasions:
    - a) On all Bank Holiday weekends where the premises are open and Christmas and New Year Bank Holidays.
    - b) All race days covering meetings held at York Races.
    - c) All events held on the River Ouse that relate to the area of the River Ouse border by Kings Staith.
    - d) All events held on Kings Staith.
  - (vii) The Premises shall be bordered at all times when open by robust semi-permanent barriers showing a clear

demarcation of the premises' footprint  
(as highlighted on the submitted plan.)

REASON: To address the representation made in respect of  
public safety and the prevention of public nuisance.

Councillor A Reid; Chair

The meeting started at 10.15 am and finished at 11.30 am.