
MEETING	LICENSING/GAMBLING HEARING
DATE	4 FEBRUARY 2008
PRESENT	COUNCILLORS SUE GALLOWAY, MOORE AND FUNNELL

74. CHAIR

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

75. DECLARATIONS OF INTEREST

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

76. THE DETERMINATION OF AN APPLICATION BY YATES'S GROUP LTD TO VARY A PREMISES LICENCE [SECTION 35 (3)(A)] IN RESPECT OF YATES'S, CHURCH LANE, LOW OUSEGATE, YORK, YO1 9QT. (CYC-008997)

Members considered an application made by Yates's Group Ltd in respect of Yates's, Church Lane, Low Ousegate, York.

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; the prevention of crime and disorder and the prevention of public nuisance including:

1. The application form, in particular the existing licence conditions and any 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 premises were situated within the Cumulative Impact Zone. The application was for an increased occupancy figure of 650 from 560 persons (an increase of 90 persons). No additional steps were offered by the applicant to promote the four licensing objectives but the existing premises licence already had several embedded restrictions and conditions attached to it.
3. The applicant's representations at the Hearing, including the fact that the proposed use of the first floor would be predominantly for food during the day and a 'chill-out'/quiet area during the evening and early hours of the morning. The applicant's solicitor stated that the applicant was aiming to attract the 'more discerning and older customer' to the new first floor area. They did not consider that the proposed increase in occupancy would have a negative effect on the promotion of the

licensing objectives and did not consider there was any evidence that extra people would be attracted into the Cumulative Impact Zone.

4. Representations were received in writing and at the hearing from the North Yorkshire Police who raised concerns that an increased occupancy at these premises would have a negative effect on crime and disorder and public nuisance. The representor's solicitor did not consider that the Applicant had rebutted the presumption that the granting of such a variation would undermine the licensing objectives. The area known as the Cumulative Impact Zone needed to be looked at as a whole and the effect that an increased number of people coming into the area could have on the wider community.

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

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 came to the following decision:

RESOLVED: That, in line with **Option 4**, the application for the variation of a premises licence be refused.

REASON: The Sub-Committee refused the application, having considered the representations received both in writing and at the hearing, on the grounds that granting the application for variation would be likely to undermine the promotion of the licensing objectives of the prevention of crime and disorder and public nuisance. It was considered that conditions would be ineffective in preventing the problems identified.

Councillor R Moore, Chair

[The meeting started at 10.05 am and finished at 11.42 am].