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| MEETING | LICENSING/GAMBLING HEARING           |
| DATE    | 10 MARCH 2008                        |
| PRESENT | COUNCILLORS HYMAN, B WATSON AND AYRE |

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**80. CHAIR**

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

**81. DECLARATIONS OF INTEREST**

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

**82. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded prior to consideration of the personal data contained in annexes 3 and 5 to agenda item 5 as provided by the Data Protection Act 1998.

**83. THE DETERMINATION OF AN APPLICATION BY MCDONALD'S RESTAURANTS LTD FOR THE VARIATION OF A PREMISES LICENCE [SECTION 35(3)(A)] IN RESPECT OF MCDONALD'S RESTAURANTS LTD, CLIFTON MOOR CENTRE, HURRICANE WAY, RAWCLIFFE, YORK. (CYC-010564)**

Members considered an application by McDonald's Restaurants Ltd for the variation of a premises licence in respect of McDonald's Restaurants Ltd, Clifton Moor Centre, York.

At the start of the hearing all parties present agreed to accept the representation submitted by the Parish Council as it had been received outside of the representation period.

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 public nuisance and the prevention of crime and disorder.

1. The application form and the 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 all statutory requirements had been met and that no representations had been received from responsible authorities.

3. The Applicant's representations at the hearing, including the fact that between the hours of 23:00 hours and 05:00 hours the restaurant would only operate as a 'Drive Thru' and only customers in vehicles would be served.
4. Local Residents' representations both in writing and at the hearing. The residents were represented at the hearing by their Ward Councillor who raised concerns regarding previous incidents of anti-social behaviour at the premises, anti-social behaviour from drivers using the restaurant, litter, damage to residents' hedges and gardens and noise.
5. The Parish Council's representations both in writing and at the hearing in relation to public nuisance and crime and disorder.
6. Written representations made during the consultation period.

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.

RESOLVED: That in line with **Option 1** the variation to the licence be granted.

REASON: To address the representations made in respect of crime and disorder and public nuisance.

Councillor K Hyman, Chair

[The meeting started at 10.10 am and finished at 11.31 am].