

Licensing Hearing

To: Councillors Wiseman, Moore and Ayre
Date: Thursday, 26 June 2008
Time: 10.00 am
Venue: The Guildhall

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Minutes

To approve and sign the minutes of Licensing Hearings held on 6 March 2008, 10 March 2008 and 3 April 2008.

5. The Determination of an Application by Mr. Gokay Timur and Mr. Mehmet Timur for A Variation to a Premises Licence [Section 35(3)(a)] in respect of York's Yummy Chicken, 28 Pavement, York, YO1 9UP . (CYC-010802)

If you require any further information, please contact Laura Bootland on Tel 01904 552062 or Fax 01904 551035 or email laura.bootland@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*],

welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case *[maximum 15 minutes]*.
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
 - paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
 - paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers

will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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- Applicant
- Representors & the relevant Responsible Authorities

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City of York Council

Committee Minutes

MEETING	LICENSING/GAMBLING HEARING
DATE	6 MARCH 2008
PRESENT	COUNCILLORS MOORE, TAYLOR AND AYRE

77. CHAIR

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

78. DECLARATIONS OF INTEREST

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

79. THE DETERMINATION OF AN APPLICATION BY STATION MANAGER ALAN BELL, NORTH YORKSHIRE FIRE & RESCUE SERVICE, THURSTON ROAD, NORTHALLERTON, DL6 2NB FOR THE REVIEW OF A PREMISES LICENCE [SECTION 52(2)] IN RESPECT OF THE EVIL EYE, 42 STONEGATE, YORK. (CYC-009184)

At the start of the meeting the Chair clarified that all parties would be happy for Councillor Wiseman to stay for the duration of the proceedings for training purposes. It was stated that she would not take part on any discussions. All parties were in agreement that she could stay.

City of York Council's legal advisor reported that there had been extensive discussions between the Licensing Officer, North Yorkshire Fire and Rescue Service and the Licensee and all parties had agreed a condition in relation to an occupancy figure for the premises.

Members were presented with the following options:

- Option a** To modify the conditions of the licence
- Option b** To exclude a licensable activity from the scope of the licence
- Option c** To remove the designated premises supervisor
- Option d** To suspend the licence for a period not exceeding three months
- Option e** To revoke the licence.

RESOLVED: That in line with Option a; the premises licence be modified to include the following additional condition:

- For the maintenance of public safety, the maximum occupation of the premises (including staff) at any one time shall not exceed 100 (one hundred) and this capacity shall be monitored regularly.

REASON: To address the representations made in respect of Public Safety.

Councillor R Moore, Chair
[The meeting started at 10.10 am and finished at 10.25 am].

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

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].

MEETING	LICENSING/GAMBLING HEARING
DATE	3 APRIL 2008
PRESENT	COUNCILLORS MOORE, FUNNELL AND B WATSON

84. CHAIR

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

85. DECLARATIONS OF INTEREST

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

86. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded prior to consideration of the personal data contained in annexes 4 and 6 to agenda item 6 as provided by the Data Protection Act 1998.

87. MINUTES

RESOLVED: That the minutes of the meetings held on 20th November 2007, 13th December 2007, 20th December 2007 and 4th February 2008 be signed by the Chair as a correct record.

88. THE DETERMINATION OF AN APPLICATION BY MCMILLAN YORK LTD FOR A VARIATION OF A PREMISES LICENCE [SECTION 35 (3)(A) IN RESPECT OF NEXUS, 25 TANNER ROW, YORK, YO1 6JP (CYC-009085)]

Members considered an application made by McMillan York Ltd in respect of Nexus, 25 Tanner Row, York.

At the commencement of the Hearing the Licensing Officer clarified that a clerical error had been made on the application form in relation to the supply of alcohol (Section M); it was confirmed that the Applicant wished to apply for the supply of alcohol 'on the premises' only.

At this point in the proceedings the representor indicated that he wished to withdraw his representation.

The Committee, therefore, granted the licence in the terms applied for incorporating the previously agreed condition requested by the North Yorkshire Police.

RESOLVED: That the application be granted in the terms applied for with the following previously agreed condition:

- The last entry to the venue shall be no later than 03:00 hours.

REASON To comply with statutory requirements.

Councillor R Moore, Chair

[The meeting started at 11.50 am and finished at 11.55 am].



Licensing Act 2003 Sub Committee**26 June 2008**

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for York's Yummy Chicken, 28 Pavement, York, YO1 9UP**Summary**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-010802.
3. Name of applicant: Gokay Timur and Mehmet Timur.
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is to extend existing hours for provision of late night refreshment. Sunday to Thursday until 03:30 hours and Friday and Saturday until 04:00 hours.
6. The existing hours for the provision of late night refreshment are Monday to Sunday until 03:00 hours.

Background

7. A copy of the existing premise licence is attached at Annex 1.
8. A copy of the application to vary the licence is attached at Annex 2.

Promotion Of Licensing Objectives

9. The applicants do not propose any additional measures to promote the licensing objectives in their varied operating schedule other than those stipulated on their existing licence.

Special Policy Consideration

10. The premises are not located within the special policy area.

Consultation

11. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
12. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

13. A representation has been received from the following responsible authority relating to this application. This is attached at Annex 3 and summarised below:
14. City of York Council City Strategy (Planning): Make representations on the grounds of the prevention of public nuisance licensing objective. Planning applications for extended hours were refused in 2005 on the grounds that the extension of hours would be detrimental to the amenity and living conditions of the occupiers of nearby residential properties by significantly increasing the potential for late night noise, nuisance, crime and anti-social behaviour .
15. A representation was received from North Yorkshire Police on the grounds of prevention of crime and disorder and public nuisance. The representation was subsequently withdrawn when the applicants agreed to the following conditions being attached to the licence if the variation is granted;
 - 1) CCTV will be installed to cover the premises. It will be maintained and working at all times that the premises are open. Copies of the recordings will be kept available for any relevant authority for five days.
 - 2) Upon closing the premises at the conclusion of business, staff will undertake a general litter pick-up and tidy of the general area of the premises.

Summary of Representations made by Interested Parties

16. There were no representations received from interested parties.
17. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

18. Planning applications for extended hours were refused in 2005 when permission was sought to open the premises until 03:00 hours MOndays to

Saturdays. A planning condition stating the premises should be closed by midnight was approved in 2001 (Planning Ref 00/250/FUL)

Options

19. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
20. Option 1: Grant the variation of the licence in the terms applied for.
21. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
22. 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.
23. Option 4: Reject the application.

Analysis

24. The following could be the result of any decision made this Sub Committee:-
25. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
26. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
27. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

29. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
30. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

31.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

32. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
33. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

34. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

John Lacy
Acting Licence Manager
Licensing & Regulation

Ext: 1593

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Ext: 1814

Report Approved



Date 10 June 2008

Specialist Implications Officer(s):

Quentin Baker
Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application form
- Annex 3** - Copy of representation from Responsible Authority
- Annex 4** - Mandatory Conditions
- Annex 5** - Legislation and Policy Considerations

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 010802

Postal address of premises:

**York Yummy Chicken
28 Pavement**

Post town: **York**

Post code: **YO1 9UP**

Telephone number: 01904 466668

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

LATE NIGHT REFRESHMENT

Indoors and Outdoors

Monday 23:00 - 03:00	Tuesday 23:00 - 03:00	Wednesday 23:00 - 03:00	Thursday 23:00 - 03:00
Friday 23:00 - 03:00	Saturday 23:00 - 03:00	Sunday 23:00 - 03:00	

The Opening Hours of the Premises:

Monday 16:00 - 03:00	Tuesday 16:00 - 03:00	Wednesday 16:00 - 03:00	Thursday 16:00 - 03:00
Friday 16:00 - 03:00	Saturday 16:00 - 03:00	Sunday 16:00 - 03:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

No Supply of Alcohol authorised

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Mr Gokay Timur & Mr Mehmet Timur (MG Foods Ltd)

Address: York Yummy Chicken
28 Pavement
York
YO1 9UP

Telephone number: 01904 466668

Registered number of holder, for example company number, charity number (where applicable):

Private Limited Company 6504959

Annex 1 – Mandatory conditions

None

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. CCTV system to be installed, operated and maintained, covering both the inside of the premises and where possible outside.
2. SIA approved door staff will be employed at the premises if considered necessary on the advice of the police.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

For and on behalf of
The Director of Neighbourhood Services

Date: 14/10/2005
15/04/2008 (Transfer)

Licensing Services
9 St Leonard's Place
York
Y01 7ET

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

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Licensing Services, 9 St Leonard's Place, York, YO1 7ET

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We GOKAY TIMUR / MEHMET TIMUR (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

CYC 010802

Part 1 – Premises Details

Postal address of premises or, if none, ordinance survey map reference or description
28 PAVEMENT

Post town YORK Post code YO1 9UP

Telephone number of premises (if any) 01904 466668

Non domestic rateable value of premises £

Part 2 – Applicant Details

Daytime contact telephone number 07940308989

Email address (optional)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname TIMUR First names MEHMET

Current postal address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day		Month		Year	
<input type="text"/>					

If 5000 or more people attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

I would like the variation for my
takeaway premises for an extra ~~hour~~
one hour mainly on Friday + Saturday
nights.

My premises is in the centre of town
and we serve hot food to the public.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) play (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri						
Sat				Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Fri						
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Fri						
Sat						
Sun						

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Fri						
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors
					Outdoors
					Both
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors
					Outdoors
					Both
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300 PM	330 AM	TO BE SERVING HOT FOOD AND SOFT DRINKS TO THE PUBLIC		
Tue	2300 PM	330 AM			
Wed	2300 PM	330 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300 PM	330 AM			
Fri	2300 PM	400 AM			
Sat	2300 PM	400 AM	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun	2300 PM	330 AM			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for providing dancing facilities (please read guidance note 4)	Both	
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence **Please tick ✓ yes**
 I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

WE ARE AN FRIENDLY AND WELL KNOWN ESTABLISHMENT. PREVENTION OF ANY KIND OF BEHAVIOUR WILL RESULT IN IMMEDIATE ACTION. PUBLIC SAFETY IS OUR PRIORITY.

b) The prevention of crime and disorder

WE ALWAYS KEEP AN EYE ON THE CUSTOMERS AND IF WE COME ACROSS ANY PROBLEMS WE CALM THE SITUATION, BUT IF THIS FAILS WE WILL CONTACT THE POLICE IMMEDIATELY.

c) Public safety

WE PROTECT THE PUBLIC FROM HARM. THERE IS SAFETY MEASURES SO NO-ONE CAN BE HURT OR ENDANGER THE PUBLIC. AND WE HAVE INSTALLED CCTV.

d) The prevention of public nuisance

OUR CUSTOMERS ARE GENERALLY OF AN QUITE NATURE AND OUR PREMISES IS OF AN FRIENDLY NATURE.

e) The protection of children from harm

WE DO NOT SELL PRODUCTS THAT ARE ANY HARM TO CHILDREN. THE ENVIRONMENT WITHIN OUR PREMISES WILL NOT CAUSE ANY DANGER FOR THEM.

- | | |
|--|-------------------------------------|
| | Please tick ✓ Yes |
| • I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | <input type="checkbox"/> |
| • I understand that I must now advertise my application | <input checked="" type="checkbox"/> |
| • I have enclosed the premises licence or relevant part of it or explanation | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]*

Date *15/4/2008*

Capacity *Secretary*

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature *Gwen Jones*

Date *15-4-2008*

Capacity *Director*

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



MR M & MR G Timur
 YORK'S Yummy CHicken
 28 PAVEMENT
 YORK
 YO1 9UP
 16th April 2008.

To whom it may concern
 After talking to Janice from your department
 today this letter is to clarify the following

1, I understand I must advertise the new opening
 and closing hours of my business in the local
 paper the Evening press

2, They will be no Adult entertaining or Entertain-
 -ment on the premises

3, These will be the opening and closing hours
 of the buisness

MON 4pm - 3.30AM

TUES 4pm - 3.30AM.

WENS 4pm - 3.30AM

THURS 4pm - 3.30AM

FRI 4pm - 4.00AM

SAT 4pm - 4.00AM

SUN 4pm - 3.30AM

I hope this letter is of help to your department
 as this is what I was advised to do by Janice

Your Sincerely

A handwritten signature in black ink, appearing to be "Mehmet Timur".

MR MEHMET TIMUR -

Your Sincerely

A handwritten signature in black ink, appearing to be "Gökay Timur".

MR GÖKAY TIMUR

15/04/2008

I have written a brief note so you can understand. what it is we require York Yummy Chicken is the current name on premises licence NO CYC 010802 and is currently in MR Mehmet Timur name he as now gone into Partnership with MR GÖKAY TIMUR ~~his~~^{my} brother and wishes to have both names put onto premises licence They have registered this company as MG FOODS TAKEAWAY LTD but will still be Trading as York Yummy Chicken

Also MR G & MR M, Timur are asking for extension of hours for Friday & Saturday evening from 23.00^{PM} - 3 AM TO 23.00^{PM} 4.00^{AM}.

Many Thanks.

if any problems please ring me.

MR Mehmet Timur on 07940308989

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Consultation with Responsible Authority

Resp Auth: CYC Planning

1. Application

Ref No: CYC/010802

Premises: 28 Pavement York

RECEIVED

16 MAY 2008

2. Representation: Yes

Date: 15.5.08

3. Representation details

Licensing Objective

Public Nuisance

Reason for representation (with regard to the relevant licensing objective(s))

The operating hours of the premises are controlled by a planning condition that states the premises should be closed by midnight (condition 5 of planning application 00/250/FUL, which was approved in 2001).

(x2)
Planning applications to extend the permitted opening hours have been refused in 2005 when the application sought permission to open the premises until 03:00 Mondays to Saturdays.

The applications were refused as there are residential premises above the premises and it was determined that to allow the extend the permitted opening hours would harm their amenity. The reason for refusal was given as follows –

"It is considered that the proposed extension of opening hours would be detrimental to the amenity and living conditions of the occupiers of existing and proposed upper floor residential properties in the vicinity of the site by significantly increasing the potential for late night noise, nuisance, crime and anti-social behaviour".

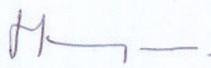
4. Contact details for Mediation

Name: J Kenyon

Email: jonathan.Kenyon@york.gov.uk

Phone number: 551323

Date sent to Licensing Authority: 15/5/08

Signed: 

*delete as appropriate



CITY OF
YORK
COUNCIL

*Approved application
for site.*

Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

Mr David Millard
Millard Design Partnership
Unit 1 Chel Business Centre
26 Roundhay Road
Leeds
LS7 1AB

Application at: 28 Pavement York YO1 9UP
For: Change of use with alterations of retail unit (Class A1) to food and drink (Class A3)
By: Pavement Properties Limited
Application Ref No.: 00/00250/FUL
Application Received on: 3 February 2000

CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of five years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

2 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings listed below and received on the date indicated, or as may otherwise be agreed in writing with the Local Planning Authority.

Revised plans received 7/4/2000 & 24/3/2000.

Reason: To achieve an acceptable form of development.

3 The premises shall be used for cafe/restaurant only and for no other purpose, including any other purpose in Class A3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 The use of the premises for any take-away sales of hot food or drink shall be ancillary to the use of the premises for a restaurant and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument invoking or re-enacting that Order).

Reason: To ensure that an uncontrolled intensification of this use does not occur, to the detriment of the amenities of the surrounding area.

5

The premises shall be vacated by _____ of the public by midnight on any day.

Reason: In the interest of protecting residential amenities.

6 The playing of amplified music on the premises shall be prohibited.

Reason: In the interests of protecting general amenities in the area.

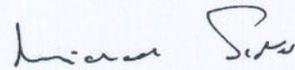
7 Details of soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

8 Provision shall be made within the development to facilitate access for people with disabilities into the building. Full details of these provisions should be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure adequate provision for access within the development.

Date: 10 October 2001



M.Slater
Assistant Director (Planning & Sustainable Development)

FOR RIGHTS OF APPEAL, SEE OVERLEAF

UPRN 010007237145

Address 28 Pavement Yc

Module	Reference	Status	Opened Date	Closed Date	Description	Edit	View
BC	05/01299/OTHDFP	BCO	09.06.2005	09.09.2005	26/28 alterations and refurbishment of 2nd and attic flats and forming flat on 1st floor		
BC	77/56127/FP	PAS		20.10.1977	RENOVATION OF EX. BUILDING C/U SMALLER SHOP GD.FLOOR & FLAT		
BC	82/56129/FP	PAS	14.01.1982	18.02.1982	RETAIL UNIT AND HAIRDRESSING SALON		
DC	00/00250/FUL	PER	03.02.2000	11.10.2001	Change of use with alterations of retail unit (Class A1) to food and drink (Class A3)		
DC	00/00251/LBC	PER	03.02.2000	21.08.2000	Internal alterations		
DC	03/03174/ADV	REF	16.09.2003	23.12.2003	Installation of hanging and externally illuminated projecting sign to shop front		
DC	03/03687/LBC	REF	16.09.2003	23.12.2003	Installation of hanging and externally illuminated projecting sign to shop front		
DC	05/00298/FUL	REF	11.02.2005	06.04.2005	Variation of condition 5 of planning permission 00/00250/FUL to extend hours of operation to 4.00pm to 3.00am Mondays to Saturdays and 4.00pm to 2.00am Sundays		
DC	05/02327/FUL	REF	31.10.2005	06.12.2005	Variation of condition 5 of planning permission 00/00250/FUL to extend hours of operation of the approved hot food takeaway use to 11.00am - 3.00am Mondays to Saturdays and 11.00am - 1.00am Sundays.		
DC	06/01982/ADV	PER	08.09.2006	23.10.2006	Display of non illuminated fascia sign and projecting hanging sign		
DC	06/02095/LBC	PER	27.09.2006	02.11.2006	Display of non illuminated fascia sign and projecting hanging sign		
DC	7/00/2004/PA	PER		20.10.1977	Renovation of existing building (presently used as shops on ground floor, unused on first floor and a flat on second floor) and change of use in order to retain smaller shop on part of ground floor, with this use repeated on first floor and salons on remainder of ground floor and first floor with second floor flat retained. New shopfronts		
DC	7/00/2004A/LB	PER		20.10.1977	Deolition of toilet in internal yard and extension of ground floor into yard, internal alterations and renovations of building and installation of new shopfront		
DC	7/00/2004B/PA	PER		18.02.1982	Alterations to existing shopfront		
DC	7/00/2004C/LB	PER		18.02.1982	Alterations		
DC	7/00/2004D/LB	REF		22.07.1982	Installation of sunblind over shopfront		
DC	7/00/2004E/AA	PER		21.10.1982	Display of externally illuminated double sided projecting hanging sign		
DC	7/005/02004N/FUL	REF		06.12.1995	Change of use of ground floor and part of basement from retail to restaurant		
DC	7/005/02004P/LBC	PER		07.02.1997	Installation of staircase between ground, first floor, erection of partition wall and alteration to spiral staircase		
DC	7/05/2004/PA	PER		12.09.1989	Change of use of residential flat to studio/workshop		
DC	7/05/2004F/PA	PER		12.09.1989	Change of use from residential flat to studio/workshop		
DC	7/05/2004G/LB	PER		12.09.1989	Internal alterations		
DC	7/05/2004H/AA	REF		07.12.1989	Display of non illuminated signs		
EN	01/00272/ADV	CLOSED	07.03.2001		Enforcement Enquiry		
EN	01/00308/COU	CLOSED	19.04.2001	18.09.2001	Enforcement Enquiry		
EN	01/00311/ADV	CLOSED	19.04.2001	26.03.2003	Enforcement Enquiry		
EN	05/00704/COND	CLOSED	13.12.2005	22.09.2006	Enforcement Enquiry		
EN	07/00180/COND	PCO	19.03.2007		Enforcement Enquiry		
LC	06/06748/PS	SEA	15.02.2007		Personal Search		

2 refused applications for extension to opening hours.

**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITION: EXHIBITION OF FILMS

- (1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

MANDATORY CONDITION: DOOR SUPERVISION

- (1) In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

PROHIBITION CONDITIONS: PLAYS

- (1) In relation to a premises licence which authorises the performance of plays, no conditions may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- (2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s34 application to vary premises licence; s35 determination of application under section 34; s36 supplementary provision about determinations under section 35; and ss19, 20 and 21 mandatory conditions.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Chapter 2 the Licensing Objectives and Paragraphs 5.47 Steps to promote the licensing objectives; and 8.33 Variations.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

NOTE FOR MEMBERS

Extracts from Revised Guidance issued under section 182 of the Licensing Act 2003 (in force 28 June 2007). The following amendments to paragraphs in the Guidance may have relevance at a hearing to determine an application for the grant, variation or review of a premises licence or club premises certificate.

Related Legislation and Strategies

1.26 Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and a public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or (once the smoking ban comes into force) in a smoking shelter, where and to the extent that these matters are within their control.

1.27 In addition, when considering a new premises licence or following reviews that have identified problems with a particular premises, licensing authorities may consider imposing conditions as appropriate, such as preventing customers from taking open containers outside the premises or installing CCTV. However, any conditions imposed must not be aspirational and must be within the control of the licensee. For example, a condition may require a premises to adopt a particular dispersal policy, but a licensee cannot force customers to abide by it.

Hours of Trading

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.

10.20 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.21 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.