
MEETING	LICENSING HEARING
DATE	4 SEPTEMBER 2008
PRESENT	COUNCILLORS HORTON, MOORE AND WISEMAN (VICE-CHAIR)

21. CHAIR

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

22. DECLARATIONS OF INTEREST

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

23. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 17 July and 4 August are signed by the Chair as a correct record.

24. THE DETERMINATION OF AN APPLICATION BY DEBRETTON HOSPITALITY (4HP) LTD FOR THE VARIATION OF A PREMISES LICENCE [SECTION 35 (3)(A)] IN RESPECT OF FOUR HIGH PETERGATE HOTEL & BISTRO, 2-4 HIGH PETERGATE, YORK, YO1 7EH. (CYC-010833)

Members considered an application by Debretton Hospitality (4HP) Ltd for the Variation of a Premises Licence in respect of Four High Petergate, 2-4 High Petergate, York, YO1 7EH.

Members discussed some preliminary matters including the fact that planning permission had not yet been resolved for some parts of the property. After some deliberation it was felt that as the Licence Variation application was a separate issue the hearing should proceed.

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 objective; the prevention of public nuisance.

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 Officers report and his comments made at the hearing. The officer clarified that the establishment is to be re-branded as the Lamb and Lion Inn and that the applicant now wishes to use the outside garden for food and drink. He confirmed that City of York Councils planning department had not submitted a representation in respect of the outstanding planning issues. It was confirmed that the Police and Fire Authorities had mediated their representations agreed additional conditions to be attached to the licence.
3. The Applicants representation including the fact that the applicant already operates a number of premises in the city without any reported incidents. It was stated that Debretton Hospitality had a vested interest in maintaining order at the premises to minimise disruption to guests staying in the accommodation above the restaurant. It was reiterated that the applicant had already agreed to a number of additional conditions with the Police and Fire Authorities.
4. The representations made by The Dean & Chapter of York Minster and City of York Councils Environmental Protection Unit both in writing and at the hearing. The Sub Committee considered the representations relevant as both parties had genuine concerns regarding the proximity of residential properties to the premises outdoor garden area.

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.

RESOLVED: That in line with Option 2 the licence be granted

The Sub Committee imposed the following additional conditions:

- 1) That the hours the premises shall be open to the public shall be Monday-Sunday between 10am – Midnight on each and every day.
- 2) That the supply of alcohol is to cease 30 minutes prior to closing on each and every day.

- 3) That all regulated entertainment is to be indoors, held between 10.00am-Midnight. No regulated entertainment is to take place in the rear garden area.
- 4) Late night refreshment is to be served indoors only between 23.00-Midnight on each and every day.
- 5) CCTV will be installed to cover the premises. It will be maintained and working at all times that the premises is open. Copies of recordings must be made available for any relevant authority for 28 days.
- 6) The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo.
- 7) One pint capacity, half pint capacity and 'high ball' tumbler drink glasses will be strengthened glass (tempered glassware) in a design whereby in the event of a breakage the glass will fragment and no sharp edges are left. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
- 8) All off sales shall be in sealed containers.
- 9) Documented staff training will be given regarding the retail of alcohol and such records will be kept accordingly.
- 10) The management of the premises will comply with any reasonable and justified request regarding the provision of door supervisors should the need arise.
- 11) A refusals register and incident report book shall be kept. Such documents will record incidents of staff refusals to underage or drunken people as well as incidents of anti social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any relevant authority.
- 12) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises area quietly.
- 13) The premise shall participate in the York Pubwatch Pager Scheme.
- 14) The occupancy figure for the ground floor and garden area of the premises shall not exceed 100 persons at any particular time.
- 15) The rear garden area shall be closed by 22.30 in its entirety on each and every day and all external artificial lighting extinguished.

- 16) Prominent notices shall be displayed in the garden area requesting patrons to respect the amenity interests of neighbouring properties and staff are to encourage compliance at all times.
- 17) All windows and doors opening onto the rear garden area of the premises shall be kept closed during regulated entertainment.
- 18) There shall be the planting of shrubs and the erection of a trellis for climbing plants along the length of the wall separating the premises from the garden area of 9 Precentors Court
- 19) Signs are to be erected on the steps leading into the garden area indicating that the congregation of customers is not permitted.
- 20) The premises licence holder shall liaise regularly with local residents to ascertain any concerns they have relating to use of the garden area and to seek to address these in as far as operations make it reasonable.
- 21) The premises licence holder will consult and keep local residents informed of any applications for Temporary Events Notices submitted to the licensing department affecting the garden area.

REASON: To address the representations made in respect of the prevention of public nuisance.

Councillor David Horton ,Chair
[The meeting started at 11.00 am and finished at 4.05 pm].