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MEETING	LICENSING HEARING
DATE	18 SEPTEMBER 2008
PRESENT	COUNCILLORS AYRE, HORTON AND HYMAN

**28. CHAIR**

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

**29. DECLARATIONS OF INTEREST**

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

**30. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded prior to consideration of the personal data contained in annexes 5 and 7 to agenda item 5 as provided by the Data Protection Act 1998.

**31. THE DETERMINATION OF AN APPLICATION BY MR. MARC ALLINSON FOR THE VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF THE ARTFUL DODGER, 47-49 MICKLEGATE, YORK, YO1 6LJ. (CYC-009017)**

Members considered an application by Mr. Marc Allinson for the Variation of a Premises Licence in respect of The Artful Dodger, 47-49 Micklegate, York, YO1 6LJ.

In coming to their decision the Sub-Committee took into consideration all the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives; public safety, the prevention of crime and disorder, and 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, including the fact that the premises was a

3. The Applicants representations at the Hearing, including the fact that to date there had been few reported complaints against the premises relating to public nuisance issues. It was stated that the premises was not to be run as a nightclub but rather a late night venue where people can relax.
4. Representations made at the hearing by City of York Councils Environmental Protection Unit who raised concerns regarding the issue of noise from the outside drinking area and noise as a result of live music. Representations were also heard from the owner of the neighbouring premises who raised concerns regarding the issue of public safety as a result of the outside drinking area of the premises being a thoroughfare to his car park.
5. 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 2 the licence variation be granted.

The Sub-Committee then imposed the following conditions:

- 1) CCTV will be installed to cover all licensed areas. It will be maintained Working and recording at all times that the premises are open. Copies of the recordings will be kept available for any Responsible Authority for 7 days.
- 2) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
- 3) One pint capacity, half pint capacity and highball tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the vent of breakage, the glass will fragment and no sharp edges are left.

- 4) Drinking glasses of any type shall not be allowed to enter or leave the venues licensed area whilst under the customers care.
- 5) All off sales shall be made in sealed containers
- 6) Documented staff training will be given regarding the retail of alcohol and such records will be kept accordingly.
- 7) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
- 8) A Refusals Register and an incident Report Register will be kept. Such documents will record incidents of staff refusals to under age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon request from any Responsible Authority.
- 9) 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 and area quietly.
- 10) The premises shall partake in the York Pub Watch Pager scheme.
- 11) There shall be no admission to members of the public between 02:00 hours and 08:00 hours. Admission during this time will be to Members only.
- 12) Members will be in possession of a full valid membership card which they must have held for at least 48 hours. Full details (name, address, contact number and date of birth) of current members will be kept and available for examination by any responsible Authority.
- 13) Members may sign in up to 2 guests. The maximum number of guests allowed at the venue at any one time will be 20. Details of all guests at the venue will be recorded and available for examination by any responsible Authority.
- 14) The exception to condition 11 will be for live televised sporting events or pre-booked private parties, details of which the police will be notified of in writing giving at least 7 clear days.
- 15) The date of notification and date of event shall not be included in calculating the 7 clear days notification period.

- 16) With reference to 02:00 in these conditions, on the days when the clocks go forward, at the start of British Summertime, the relevant time will be 03:00.
- 17) An adequate number of Door Supervisors will be deployed at the venue from 21:00 until the venue closes for business on Friday, Saturday, Race days and the Sunday before a Bank Holiday Monday.
- 18) The footprint of outside licensed areas shall be clearly marked and defined.
- 19) There shall be no more than 20 people allowed in the outside licensed area at any one time.
- 20) There shall be no sales of alcohol made in the outside licensed area.
- 21) There shall be no sales of late Night Refreshment in the outside licensed area.
- 22) There shall be no use of outdoor furniture (ie tables and chairs) in the outside licensed area.
- 23) There shall be no consumption of alcohol allowed in the outside area between 02:00 and 10:00 hours.
- 24) Live Music, Recorded Music, and the Making of Music shall cease at 02:00 on each and every day.
- 25) Accept the following condition as agreed with North Yorkshire Fire and rescue:  
  
The occupancy figures for the first floor should not exceed 60 persons. (The existing condition stating the maximum occupancy for the premises shall not exceed 100 persons shall also remain on the licence).
- 26) Mandatory Conditions 19, 20, 21 and 22 shall apply.

All conditions offered by the Applicant in the application, including the operating schedule for variation of the premises licence under the Licensing Act 2003, shall be included in the licence unless contradictory to the above conditions.

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

Councillor Horton, Chair

[The meeting started at 10.07 am and finished at 11.20 am].