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MEETING	LICENSING HEARING
DATE	19 JANUARY 2009
PRESENT	COUNCILLORS ALEXANDER (CHAIR), AYRE AND WISEMAN (VICE-CHAIR)

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**49. CHAIR**

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

**50. DECLARATIONS OF INTEREST**

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

**51. MINUTES**

RESOLVED: That the minutes of the Licensing Hearing(s) held on 1 December 2008 and 15 December 2008 be approved as a correct record by the Chair.

**52. THE DETERMINATION OF AN APPLICATION BY MR. MALCOLM GOODWIN & MRS EILEEN GOODWIN TO VARY A PREMISES LICENCE SECTION 35 (3) (A) IN RESPECT OF PLONKERS WINE BAR, 5 CUMBERLAND STREET, YORK, YO1 9SW. (CYC-009024)**

Members considered an application by Mr. & Mrs Goodwin for the variation of a premises licence in respect of Plonkers Wine Bar, 5 Cumberland Street, 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 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 licensing objectives.
2. The Licensing Officers report and his comments made at the hearing. He stated that a number of conditions were already attached to the Licence including stringent conditions relating to noise control. He advised that the police had withdrawn a

representation following successful mediation with the applicant, when the applicant agreed to twelve conditions being attached to the licence.

3. The applicants representation at the hearing, including the fact that the changes applied for are to allow the premises to be able to provide a full service to its customers without the need for temporary events notices, especially in relation to entertainment. Also to bring the opening times and supply of alcohol in line with the pavement café opening times.
4. The representations made by Mr. Crawshaw both in writing and at the hearing. The Sub-Committee considered the representation to be relevant as concerns were raised regarding anti-social behaviour.
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 be granted.

The Sub-Committee then imposed the following conditions:

1. CCTV will be installed to cover the premises. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced in Court or other such hearing, Copies of the recordings will be kept available for any responsible authority for 5 days.
2. Standard one pint capacity and highball tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
3. The only acceptable proof of age identification shall be a current passport, photo-card driving licence or identification carrying the PASS logo.
4. Drinking glasses of any type shall not be allowed to enter or leave the premises 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 kept accordingly.
7. An adequate number of door supervisors (minimum one) shall be provided at the venue from 21:00 hrs until the venue has closed for business on Friday, Saturday, the evening preceding a bank holiday and on a day when a York race meeting is held.
8. 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.
9. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority.
10. 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.
11. The premises shall partake in the York Pubwatch Pager scheme
12. A capacity figure of 130 persons shall be imposed so as not to undermine the licensing objective "Prevention of Crime and Disorder".
13. Late night refreshment shall be served indoors only between the hours of 23:00 and 02:00.

Apart from the conditions which the applicant requested to be removed from the licence which are (i) the "Councils rules for the management of places of public entertainment, and (ii) conditions relating to limited opening times on Sundays, Good Friday and Christmas Day, all existing Licence Conditions are to be retained unless contradictory to any of the above conditions.

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

Councillor Alexander, Chair

[The meeting started at 10.00 am and finished at 10.35 am].