
MEETING	LICENSING HEARING
DATE	29 JANUARY 2009
PRESENT	COUNCILLORS ALEXANDER (CHAIR), FUNNELL AND REID
APOLOGIES	COUNCILLORS

53. CHAIR

RESOLVED: That Councillor Alexander be elected as Chair.

54. DECLARATIONS OF INTEREST

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

55. THE DETERMINATION OF AN APPLICATION BY MR. A CAGLAR FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 8 HORIZON COURT, AUDAX CLOSE, CLIFTON MOOR, YORK, YO30 4US. CYC-01440.

Members considered an application by Mr. Caglar for a premises licence in respect of 8 Horizon Court, Audax Close, York, YO30 4US.

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 for licensing objectives.
- 2) The Licensing Officers report and his comments made at the Hearing. He clarified that the application is for the preparation, cooking and delivery of food between 23:00 and Midnight and that the application is not for an onsite service. A representation had been made by North Yorkshire Police but this had been mediated in light of the applicant agreeing to 2 additional conditions.
- 3) The applicants representation at the hearing including the fact that he has run the business successfully for 5 years from another premises and only wishes to leave that premises due to problems with the landlord. He stated

that the business attracts few onsite customers after 8pm and that the business is 98% delivery based.

- 4) Representations made by Clifton Without Parish Council and Councillor Moore on behalf of Clifton Business Association. Concerns were raised regarding the impact of such a business on an otherwise quiet area.
- 5) Written representations made during the consultation period.

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 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 and shall cover all areas where the public have access including the outside entrance area. 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) 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.
- 3) All sales made between 23:00 and Midnight shall be delivery only.
- 4) A notice shall be displayed reminding customers that between the hours of 23:00 and Midnight all sales shall be delivery only and onsite sales shall cease.

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

Councillor Alexander, Chair

[The meeting started at 10.25 am and finished at 11.00 am].