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MEETING	LICENSING/GAMBLING HEARING
DATE	2 FEBRUARY 2009
PRESENT	COUNCILLORS HORTON, MOORE AND RUNCIMAN

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**56. CHAIR**

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

**57. DECLARATIONS OF INTEREST**

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

**58. THE DETERMINATION OF AN APPLICATION BY MR. C S ALTUN TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF HOT CHILLI PEPPER, 5 ACOMB ROAD, YORK, YO24 4EN (CYC - 010845)**

Members considered an application by Mr. C S Altun to vary a Premises Licence Section 35(3)(a) in respect of Hot Chilli Pepper, 5 Acomb Road, York, YO24 4EN.

Introductions were carried out. The applicant confirmed that although English was not his first language he did not require additional support. The Chair stated that if, during the course of the meeting, difficulties arose in understanding what was said the Committee should be made aware of this.

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 crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

- 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 Officer's report and his comments made at the meeting.
- 3) The representation made at the hearing on behalf of Hot Chilli Pepper's, including the view that extending opening hours would enable the applicant to increase trade as otherwise the business may have to close.

- 4) Representations made in writing by the City of York Environmental Protection Unit on the grounds of the prevention of public nuisance licensing objective. The EPU Officer stated that there was the potential of noise from customers and vehicles disturbing nearby residents.
- 5) Written representations from residents of two properties in the vicinity of the premises made during the consultation period and the representation made at the hearing by one of the residents. The representation included concerns about noise, litter and vehicles parking inappropriately.

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 with the following additional conditions:

- (i) The closing time for the premises shall be:  
Sunday to Thursday – 00:00 (midnight)  
Friday and Saturday – 01:00
- (ii) Conditions 2 and 3 of the existing licence shall be applicable to this variation:
  - The premise shall be closed and vacated of customers, in accordance with the opening hours, on each and every day (Condition 2).
  - Late night refreshment shall cease 10 minutes before end of opening hours, on each and every day (Condition 3).
- (iii) The Conditions as required by North Yorkshire Police shall apply as follows:
  1. CCTV shall 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 area. The recordings should be of sufficient quality to be produced at court or other such hearing. Copies of the

recordings will be kept available for any responsible authority for three 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.

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 received as required by the Licensing Act 2003.

Councillor Moore, Chair

[The meeting started at 10.05 am and finished at 10.55 am].