
MEETING	LICENSING/GAMBLING HEARING
DATE	30 MARCH 2009
PRESENT	COUNCILLORS AYRE, HYMAN AND WISEMAN (VICE-CHAIR)

59. CHAIR

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

60. DECLARATIONS OF INTEREST

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

61. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 19 and 29 January 2009 are signed by the Chair as a correct record.

62. THE DETERMINATION OF AN APPLICATION BY BURGER KING LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF BURGER KING, CLIFTON MOOR RETAIL PARK, YORK. (CYC-014707)

Members considered an application by Burger King Ltd for a Premises Licence in respect of Burger King, Clifton Moor retail Park, York, YO30 4XZ.

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 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 stated that the premises is a well established fast food outlet which is located near to a supermarket which has a 24 hour licence. The premises

has a good CCTV system and is a well organised national company.

- 3) The Applicants representation including the fact that after 23:00 the restaurant would only operate a drive through service and would not be serving individuals inside the restaurant. It was stated that the restaurant management are happy to work with the Parish Council to address any problems such as littering.
- 4) The representations made by Rawcliffe parish Council both in writing and at the Hearing. The Parish Council were represented by Councillor Richard Moore who spoke as Chair of Rawcliffe Parish Council. He advised that local residents experience problems with litter from fast food outlets and raised concerns about vehicles being attracted into the area after 23:00 and potentially causing a noise nuisance.

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 condition:

Litter patrols shall be carried out in the area surrounding the restaurant daily on opening and thereafter regularly until dark.

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

Councillor Ayre, Chair

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