

MEETING

LICENSING HEARING

DATE

5 OCTOBER 2009

PRESENT

COUNCILLORS MERRETT, MOORE AND PIERCE

17. CHAIR

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

18. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they may have in any of the business on the agenda.

Councillor Merrett declared a personal non prejudicial interest as Treasurer of York Chinese Cultural Association.

19. THE DETERMINATION OF AN APPLICATION BY MR. JOSEPH MOORE FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 35/37 WALMGATE, YORK, YO1 9TX. (CYC-016268)

Members considered an application for a premises licence in respect of 35/37 Walmgate, 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 objectives; the prevention of crime and disorder and the prevention of public nuisance. The following were considered:

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 35 Walmgate is currently a takeaway situated on a main road out of York in which has a reputation as an eatery area. The premises are located in alcohol exclusion zone. The representations made by the responsible authorities had been withdrawn following mediation.
3. The applicants representations including the fact that the premises are owned by the applicant who is a local businessman who is keen to bring the building back into use. Members were advised that the

applicant has traded from the premises at number 35 for 2 and a half years without any problems and would like to extend his business to number 37 by opening a Bistro.

4. Representations made by a local resident in writing and at the hearing. The Sub-Committee considered the representations to be relevant to the licensing objectives as concerns were raised regarding the possible increase in noise and disturbance in the area.
5. Written representations made during the consultation period.

Members were presented with the following options:

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| Option 1 | Grant the licence in the terms applied for. |
| Option 2 | Grant the licence with modified/additional conditions. |
| Option 3 | Grant the licence to exclude any of the licensable activities to which the licence relates and modify/add conditions accordingly. |
| Option 4 | Reject the application. |

The Sub-Committee chose **Option 2** and imposed the following conditions:

1. Hours of opening are granted as applied for, but all planning restrictions must be adhered to.
2. No lap dancing, pole dancing or activities of a similar nature shall take place.
3. The supply of alcohol shall be restricted to the restaurant area only and shall be served with food. There shall be no off-licence sales.
4. The outside area within the immediate vicinity of the premises shall be cleared of all litter at the end of each trading period.
5. When the venue is used as a Bistro style operation, and has tables laid out indicative of dining, then the maximum occupancy shall be 40 persons.
6. When the venue is clear of tables then the maximum occupancy shall be 60 persons.
7. Noise originating from the premises shall be inaudible at the nearest noise sensitive premises.
8. Mandatory conditions 19,20 and 21 shall apply.

Sections H and K of the application were withdrawn by the applicant.

RESOLVED: That in line with Option 2 the licence be granted.

REASON: To address the representation made.

Councillor Merrett, Chair

[The meeting started at 10.30 am and finished at 12.30 pm].