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| MEETING | LICENSING HEARING |
| DATE | 4 JANUARY 2010 |
| PRESENT | COUNCILLORS HORTON, MOORE AND WISEMAN |

33. CHAIR

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

34. DECLARATIONS OF INTEREST

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

35. MINUTES

RESOLVED: That the minutes of the licensing hearing held on 5 October 2009 be confirmed as a correct record and signed by the Chair.

36. THE DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE SECTION 18 (3) (A) IN RESPECT OF UNIT 4, 62-68 LOW PETERGATE, YORK, YO1 7HZ. (CYC-016617)

Members considered an application for a premises licence in respect of Unit 4, 62-68 Low Petergate, York. Unit 4, 62-68 Low Petergate was identified as the ground floor premises between 66a Low Petergate and the alleyway access to Talbot Court.

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, the prevention of public nuisance and the protection of children from harm. 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 licensing objectives.
2. The Licensing Officer's report and his comments made at the hearing, including details of the mediation that had taken place between the applicant and residents, and the applicant and the Police. It was noted that the applicant had withdrawn the

application for on sales. The Sub-Committee's attention was also drawn to the fact that two of the representors resided above the premises and not as previously indicated. The Licensing Officer stated that he was satisfied that the applicant had complied with all statutory requirements in respect of the displaying of a notice on the premises. There were no representations from the Fire Service or the Environmental Protection Unit. The representations that had been made by North Yorkshire Police had been withdrawn when the applicant had agreed to conditions being attached to the licence if granted.

3. Representation from the applicant's licensing agent at the hearing including details of the nature of the business and the way in which the franchise operated, the mediation that had taken place with the Police and with local residents and the fact that it was not now intended to offer taster evenings at the premises and therefore the application was no longer for on sales. The requested finish time on Sundays was now 1800 hours. During December and January a later finishing time of 2200 hours on Thursday, Fridays and Saturdays was requested in the interests of customers. The training programme provided by the franchise was excellent and both the applicant and the shop supervisor held personal licences.
4. The representations made in writing and at the meeting by two local residents. These included corrections to the map that had previously been circulated and it being noted that the premises above the shop were residential. Concerns expressed regarding the hours of trading and the inconvenience to residents, including possible noise and people congregating in the area, were noted.
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.

In coming to their decision of approving the above Option 2 the Sub-Committee decided to impose the mandatory condition section 19 of the Licensing Act 2003.

The Sub-Committee then imposed the following additional conditions:

1. Hours premises are open to the public:
Monday to Saturday: 0800 to 2100 hrs

Sunday: 1000 to 1800 hrs

2. Supply of alcohol is for off-premises only and following timings apply:
Monday to Saturday: 0800 to 2100 hrs
Sunday: 1000 to 1800 hrs
3. For every Thursday, Friday and Saturday during December and January the supply of alcohol shall cease at 2200 hrs when the premises will close immediately.
4. Off sales shall be made in sealed containers.
5. There shall be no sale of beers, lagers, cider or alcopops.
6. CCTV will be installed to cover the premises and will include all areas to where the public have access. It will be maintained, working and recording at all times when the premises are open. The recordings shall be of sufficient quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for police officers for 31 days.
7. Proof of age identification shall be a current passport, photocard driving licence, identification carrying the PASS logo, any lawful document evidencing identity.
8. A Refusals Register will be kept to record incidents of staff refusals to under-age or drunken people. The document will be made available upon reasonable request from any Responsible Authority.
9. The landline telephone number of the premises shall be forwarded to residents of Talbot Court to enable them to make contact if any problems arose.

Representors were made aware that the licence could be reviewed if there was reason to do so.

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

REASON: To address the representations made.

Councillor Horton, Chair

[The meeting started at 10.00 am and finished at 11.20 am].