
MEETING	LICENSING HEARING
DATE	28 JUNE 2010
PRESENT	COUNCILLORS ALEXANDER, REID AND WISEMAN

1. CHAIR

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

2. INTRODUCTIONS

For the benefit of all parties present, introductions were carried out.

3. DECLARATIONS OF INTEREST

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

4. MINUTES

RESOLVED: That the minutes of the licensing hearing held on 22 April 2010 be approved and signed by the Chair as a correct record.

5. THE DETERMINATION OF AN APPLICATION BY MR. SALEEM AKHTAR FOR A VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF SILVANO'S, 2 CUMBERLAND STREET, YORK, YO1 9SW. (CYC-009284)

Members considered an application by Mr Saleem Akhtar for determination to vary a Premises Licence in respect of Silvano's, 2 Cumberland Street, York, YO1 9SW

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives: the prevention of public nuisance. The following were taken into account:

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 Officer's report and his comments made at the Hearing.
3. The applicant's representation at the hearing including the fact that they wish to open later in light of the economic climate.
4. The representations made by local residents both in writing and at the hearing. They raised concerns relating to noise and disturbance in the area and the impact on wildlife
5. Written representations made during the consultation period.

Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objective, the prevention of public nuisance

- Option 1: Grant the variations of the licence in the terms applied for.
- Option 2: Grant the variations of the licence with modified/additional conditions.
- Option 3: Grant the variations 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.

Members agreed Option 2 and added the following conditions:

1. 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 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 28 days.
2. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
3. Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
4. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers' care.
5. Documented staff training will be given regarding the retail sale of alcohol and such records kept for at least one year.
6. When the venue is due to operate beyond 01:00 hours an adequate number of Door Supervisors shall be provided at the venue from 23:00 hours until

the venue has closed for business on Friday and Saturday evenings; the evening preceding a bank Holiday and on any day when York race meetings are held (except the first May meeting and the Sunday meeting in September).

7. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
8. A Refusals Register and Incident Report register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
9. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
10. The sale of alcohol shall cease 30 minutes before the venue is due to close to allow a period of drinking up time.
11. The venue shall not open or operate (other than by way of Temporary Event Notice) earlier or later than the times listed in part 1 of the premises Licence (i.e. the opening hours of the premises).
12. All off-sales shall be in sealed containers.

Statutory condition 1 shall be deleted and replaced with the following:

Intoxicating liquor shall only be sold or supplied, on or off the premises, to persons taking table meals.

Mandatory conditions 19 and 21 shall apply.

Any 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.

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

REASON: To address the representations made.

Councillor J Alexander, Chair

[The meeting started at 10.00 am and finished at 11.00 am].