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| MEETING | LICENSING HEARING |
| DATE | 1 JULY 2010 |
| PRESENT | COUNCILLORS PIERCE, LOOKER AND WISEMAN |

6. CHAIR

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

7. INTRODUCTIONS

At the request of the Chair, all those present at the meeting introduced themselves.

8. DECLARATIONS OF INTEREST

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

9. THE DETERMINATION OF AN APPLICATION BY MRS. ASMA CHAUDHRY FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 98 MICKLEGATE, YORK, YO1 1JX. (CYC-017036)

Members considered an application by Mrs Asma Chaudhry for the determination of a Premises Licence Section in respect of 98 Micklegate, York, YO1 1JX.

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 crime and disorder and the prevention of public nuisance. The following were taken into account:

1. The application form and the operating schedule.
2. The Licensing Officer's report and his comments made at the Hearing. Consultation had been carried out correctly with a notice displayed in the premises window.
3. The applicant's representations at the hearing.

4. The representations made by North Yorkshire Police in writing and at the hearing on the grounds of crime and disorder. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objective listed above as the prevention of crime and disorder.
5. The representations made by City of York Council's Environmental Protection Unit in writing and at the hearing on the grounds of public nuisance. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objectives listed above as the prevention of public nuisance.

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 Objectives of the prevention of crime and disorder and the prevention of public nuisance

Option 1: Grant the licence in the terms applied for and including the appropriate mandatory condition 21 of the Licensing Act 2003.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including the appropriate mandatory condition 21 of the Licensing Act 2003.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly to include the appropriate mandatory condition 21 of the Licensing Act 2003.

Option 4: Reject the application.

RESOLVED: That in line with Option 4, the application be rejected.

REASON: The Committee was of the opinion that the applicant had failed to rebut the presumption contained in paragraph 4 of the Council's City Centre Special Policy Statement in that in granting the new licence sought for premises within the area the subject of such Policy, it would not undermine the promotion of the statutory licence objectives in consequence of relevant representations received from the North Yorkshire Police with regard to the prevention of crime and disorder and the City of York Council's Environmental Protection Unit with regard to the prevention of public nuisance.

Councillor R Pierce, Chair

[The meeting started at 10.00 am and finished at 11.30 am].