
MEETING	LICENSING HEARING
DATE	23 AUGUST 2010
PRESENT	COUNCILLORS MERRETT, MOORE AND REID

15. CHAIR

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

16. INTRODUCTIONS**17. DECLARATIONS OF INTEREST**

At this point in the meeting Members were asked to declare any personal or prejudicial interests they might have had in the business on the agenda.

Councillor Merrett declared a personal non prejudicial interest as two representors were known to him.

Councillor Reid also declared a personal non prejudicial interest as two representors were known to her.

18. MINUTES

RESOLVED: That the minutes of the licensing hearing held on 10 May 2010 be approved and signed by the Chair as a correct record.

19. THE DETERMINATION OF AN APPLICATION BY MR. KEMAL ALTIN FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 38 HUBY COURT, WALMGATE, YORK. (CYC-017191)

Members considered an application by Mr Kemal Altin for a premises licence, in respect of 38 Huby Court, Walmgate, York.

In coming to their decision, the Sub Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to licensing objectives including;

1. The application form.

2. The Licensing Officer's report and his comments made at the Hearing, including the fact that the premises had been a convenience store for a number of years and was located in a residential area. As a result of the number of representations the applicant had withdrawn light night refreshment from the application.
3. Representations made by local community groups in writing and at the hearing. The Sub-Committee considered the written representations to be relevant to the issues raised and licensing objectives as concerns were raised regarding the potential for late night disturbance and public nuisance in the area, should the licence be granted for the period of time applied for.
4. Representations made by local residents in writing.
5. Representations made by the Ward Councillor in writing and at the hearing. He advised that he felt that the licence should not be granted as sufficient outlets existed in the area already to purchase alcohol. He raised concerns about the potential impact of another licensed premises in relation to residents of a hostel in the area, and urged the Sub-Committee to refuse the application.
6. Representations that had been made by North Yorkshire Police were withdrawn prior to the Hearing after the applicant agreed to a number of conditions be added to the licence.

Members were presented with the following options;

- | | |
|----------|--|
| Option 1 | Grant the licence in the terms applied for and including any applicable mandatory conditions as set out in ss19 of the Licensing Act 2003. |
| Option 2 | Grant the licence with modified/additional conditions. |
| 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. |

Members chose Option 3 and imposed the following conditions;

1. Late Night Refreshment was withdrawn by the applicant prior to the hearing, and as such is excluded from the licence.
2. The premises shall not operate beyond 23:00 hours.
3. Supply of alcohol shall take place between 10:00 am and 22:00 pm on each and every day.
4. CCTV will be installed to cover the premises and will include all areas(including outside 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 at Court or other such Hearing. Copies of the recordings will be kept available to any Responsible Authority for 14 days and will be made available to any Responsible Authority within 48 hours of a request.

5. 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).
6. All Off-Sales shall be made in sealed containers.
7. Documented staff training will be given regarding the retail sale of alcohol and such records kept for at least one year.
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. Staff will undertake a litter pick of the immediate area outside the premises upon the close of business.
10. Telephone contact details for the Designated Premises Supervisor shall be provided to residents in the vicinity of the premises i.e. those residents who made representations and the homes adjacent to them.
11. A notice shall be displayed to the public in the shop premises detailing telephone contact details for the Designated Premises Supervisor.
12. Noise levels from within the shop premises shall not emanate so as to cause a nuisance at nearby sound sensitive residential premises.

The Sub-Committee expressed concern that the applicant did not attend the hearing. The Sub-Committee noted that prior to the hearing, the Licensing Manager was unable to contact the applicant on the telephone numbers provided on the application form. When the Designated Premises Supervisor is not available e.g. because he is on holiday, alternative arrangements should be made for a Personal Licence holder to be available for Licensing Officers and Local Residents to contact if required.

RESOLVED: That in line with Option 3, the licence be granted.

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.00 am and finished at 11.15 am].