
Meeting	Licensing Hearing
Date	19 August 2010
Present	Councillors Merrett, Moore and Wiseman

10. Chair

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

11. Introductions

Introductions were carried out.

12. Declarations of Interest

At this point in the meeting Members were asked to declare any personal or prejudicial interests they may have in the business of the agenda. Councillor Merrett declared a non prejudicial interest as Mr. Mohan, one of the representors used to be the landlord of the house neighbouring his.

13. Minutes

RESOLVED: That the minutes of the Licensing Hearing held on 29 April 2010 be approved and signed as a correct record.

14. The Determination of an Application by H. Heraty & J. Edwards for a Premises Licence Section 18(3)(a) in respect of Grays Court, Chapter House Street, York. (CYC-016907).

Members considered an application by Ms H Heraty and Mr J Edwards for the determination of a Premises Licence in respect of Grays Court, Chapter House Street, York, YO1 7JH.

In coming to their decision, the Sub-Committee took into consideration all 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; public safety; and the prevention of public nuisance. The following were taken into account.

1. The application form.

2. The Licensing Officer's report and his comments made at the Hearing. He advised that the application was for a premises licence for a Grade 1 listed building and that the venue already had a weddings licence and had been using Temporary Events Notices. He was satisfied that the blue public notices had been displayed satisfactorily and said that the applicant had agreed a number of conditions with North Yorkshire Police and the Council's Environmental Protection Unit.
3. Representations made by the applicant at the Hearing, including the fact that the venue would be marketed to a mature clientele and that the applicants are proud of the historical nature of the venue and would provide for events in keeping with the location. The applicant advised that properties nearby operate similar activities and felt that some of the objections had been exaggerated as the Council's Environmental Protection Unit had not found any of the complaints warranted enforcement action.
4. The representations made by a local resident in writing and by his Barrister at the hearing. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objectives listed above as concerns were raised in particular, regarding noise nuisance.
5. The representations made by local residents in writing. The Sub-Committee considered the written representations to be relevant to the licensing objectives listed above.

The representations made by North Yorkshire Police and City of York Council's Environmental Protection Unit had been withdrawn prior to the Hearing after the applicant agreed to a number of licence conditions.

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(3) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives of the prevention of crime and disorder; public safety and the prevention of public nuisance.

The Committee considered the following four 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 3 the Sub-Committee then imposed the following amended/additional conditions:

1. The area to be licensed shall be as shown edged red on the attached plan. (The licensed area excludes the courtyard, the L-shaped driveway including the Coach House, the Bar Walls, the access to the Bar Walls and Bar Walls Embankment).
2. Hours the premises are open to the public shall be as follows:
Sunday to Thursday 08:00-22:00
Friday and Saturday 08:00-23:00
With the exception of the external licensed areas.
3. All external area's shall be vacated, cleared and cleaned by 19:00 Sunday to Thursday and 21:00 on Fridays and Saturdays.
4. Supply of alcohol to cease 1 hour prior to closing on each and everyday
5. Live music (E) shall take place from 10:00 to 1 hour prior to closing of the relevant area on each and every day. It shall take place externally only from Good Friday to 31st October.
6. Recorded Music (F) shall take place indoors only until the terminal hour.
7. Anything of a similar description to live and recorded music (H) , shall take place indoors only from 10:00 to 1 hour prior to closing on each and every day.
8. Provision of facilities for dancing (J) shall take place indoors only from 10:00 to 1 hour prior to closing on each and every day.
9. Late Night Refreshment (L) was withdrawn by the applicant and is excluded from the licence.
10. 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).
11. 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.
12. Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customers care.
13. Documented staff training will be given regarding the retail sale of alcohol and such records kept for at least one year.
14. 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.

15. 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.
16. 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.
17. 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).
18. At the conclusion of business there shall be a check of the area of the bar Walls adjacent to the premises to ensure that no glass vessels are left unattended and clear any premise related debris as necessary.
19. A standard operating capacity figure of 100 maximum shall be imposed to ensure that the Licensing Objective the prevention of crime and disorder is not undermined.
20. Alcohol will be served only ancillary to a meal when the restaurant/café is open for business or at pre-booked events.
21. Noise or vibration from the premises (including external areas), shall not emanate, so as to cause a nuisance at nearby sound and vibration sensitive properties.
22. When regulated entertainment in the form of Recorded and/or Live music is provided at the premises, doors and windows shall remain closed other than for ingress or egress.
23. A dispersal policy shall be agreed in writing by the applicant with the Licensing Officers and shall thereafter be implemented and adhered to.

Mandatory Conditions 19 and 21 shall apply.

All conditions offered by the Applicant in the application, including the operating schedule, for granting 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 3, the licence be granted with the above mandatory, amended and additional conditions.

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.15 am and finished at 2.20 pm].