
MEETING	LICENSING HEARING
DATE	2 SEPTEMBER 2010
PRESENT	COUNCILLORS HYMAN, MOORE AND WISEMAN

24. CHAIR

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

25. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal or prejudicial interest they might have in the business on the agenda. No interests were declared.

26. THE DETERMINATION OF AN APPLICATION BY MR. DAVID NORTH FOR A PREMISES LICENCE SECTION 18 (3)(A) IN RESPECT OF 1 PETER LANE, YORK, YO1 8SW (CYC-017182)

Members considered an application by Mr David North for a Premises Licence for 1 Peter Lane, York.

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 following were taken into account:

1. The application form, in particular the operating schedule 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, including the fact that planning permission had been granted for the change of use of the premises from a shop to a café/restaurant. As part of this a condition had been imposed which restricted the opening of the premises to between 08:00 hours and 20:00 hours on all days. He also pointed out that the premises would fall within the Special Policy Area in which additional licensing controls would be in force, if that area is agreed by Council on 7 October 2010.
3. The Applicant's representations at the Hearing, including the nature of their business and the fact that they had endeavoured to mediate the representations prior to the hearing but without success.

4. The representations made by Ms Barnes-Chapman and Ms Barnes-Wilson of Gillies Fabrics, 2 Peter Lane, York in writing and 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 regarding the potential for public safety and public nuisance in relation to rubbish removal, alcohol consumption and the playing of music which could affect the use of their premises. Photographs were produced at the Hearing, which showed refuse storage issues in Peter Lane viewed from Market Street and the fire escape.

Members were presented with the following options:

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| 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. |

Members chose Option 2 and the following conditions were added to the licence:

1. Alcohol shall only be served ancillary to a meal.
2. The sale of alcohol shall cease 30 minutes prior to the closing of the premises.
3. Seated covers shall be laid out at all times the venue is open for business.
4. 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).
5. 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.

Mandatory condition 19 shall apply.

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

REASON: To address the representations made.

Councillor Hyman, Chair

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