
MEETING	LICENSING HEARING
DATE	4 OCTOBER 2010
PRESENT	COUNCILLORS HYMAN, MOORE AND TAYLOR

38. CHAIR

RESOLVED: That Councillor Hyman be elected as Chair.

39. DECLARATIONS OF INTEREST

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

None were declared.

40. MINUTES

RESOLVED: That the minutes of the meetings of the Licensing Review Panel held on 14 May and 17 May 2010 be signed and approved by the Chair as a correct record.

41. 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 Chaudry for a Premises Licence in respect of 98 Micklegate, 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 objective – 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 hot food restaurant and takeaway for the hours of 23:00 to 04:00. The premises is in the Cumulative Impact Zone. He advised that the applicant had applied for a licence in July, which had been turned down. Following mediation with North Yorkshire Police, in particular the applicant's agreement to surrender a licence at

another premises on Micklegate, the Police had withdrawn their objections but the Council's Environmental Protection Unit still had concerns regarding a potential increase in noise nuisance in the area should the licence be granted. The Sub-Committee were advised that the premises currently had planning permission until 01:00 and the applicant would need to seek relevant planning permission.

3. The applicant's representations at the Hearing, including the fact that since the last hearing in July they a noise impact assessment had been obtained for the premises. This had shown that there would little difference in noise levels if the premises opened until 4am due to Micklegate being such a busy street. The applicant had agreed a number of conditions with North Yorkshire Police including the provision of door supervisors who would assist in monitoring the behaviour of patrons. The applicant advised that their family had worked in the restaurant and takeaway business for many years and that they were an experienced and responsible operator.
4. Representations made the Council's Environmental Protection Unit who advised that the premises is within the Cumulative Impact Zone which is an area with high noise levels that should not be increased by the opening of more late night premises. The Officer advised that as the area had residential properties, 12.45 to 01:00 am would be a reasonable terminal hour for the premises.

Representations made by North Yorkshire Police were withdrawn prior to the Hearing after the applicant had 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 for them to take under Section 18 (4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives.

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, 20 and 21 of the Licensing Act 2003.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions as set out in ss19, 20 and 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 any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.
- Option 4: Reject the application.

Members chose to modify the conditions of the licence (Option 2). The following additional conditions were imposed:

1. Hours of operation shall be 11:00 to 03:00 on each and everyday.
2. Late Night Refreshment shall cease 15 minutes prior to closing on each and everyday.
3. CCTV will cover the premises and will include all area 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 and will be made available to any Responsible Authority within 48 hrs of request.
4. Prominent clear and legible notices shall be displayed requesting the public to respect the needs of local residents and to leave the premises and area quietly.
5. Upon closing the premises at the conclusion of business, staff will undertake a general litter pick-up and tidy of the general area of the premises.
6. There shall be a minimum of two members of staff on duty at all times.
7. An adequate number of Door Supervisors will be provided at the premises from 24:00 hrs until the close of business on each and everyday.
8. Persons aged under 18 years shall not be served.
9. Documentary staff training will be given regarding the conditions attached to the Premises Licence. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.

Mandatory condition 21 would still apply.

RESOLVED: That, in line with Option 2, the conditions of the licence be modified.

REASON: To address the representations made.

Cllr Hyman, Chair

[The meeting started at 10.00 am and finished at 12.00 pm].