

---

MEETING	LICENSING HEARING
DATE	16 DECEMBER 2010
PRESENT	COUNCILLORS AYRE, RUNCIMAN AND WISEMAN

---

**62. CHAIR**

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

**63. DECLARATIONS OF INTEREST**

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

**64. MINUTES**

RESOLVED: That the minutes of the Licensing Hearing held on 6<sup>th</sup> September 2010, be approved and signed by the Chair.

**65. THE DETERMINATION OF AN APPLICATION BY J.Z PLUMMER FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF AMBIENTE, 14 GOODRAMGATE, YORK, YO1 7LQ. (CYC-017699)**

Members considered an application by Ambiente Tapas Ltd for a premises licence in respect of 14 Goodramgate, 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.
2. The Licensing Officer's report and his comments made at the Hearing. He circulated a photograph to show Members the proximity of the representors dwelling to the premises. He advised that there had been a licensed premises on the site since the 1970's and that there had been noise complaints received between 2006 and 2008 when the premises were owned by a previous licensee. The current owner had co-operated with the Police and the Council's

Environmental Protection Unit to agree a number of conditions and wanted to be a good neighbour.

3. The applicant's representations at the hearing including that this application had been submitted as currently customers are bringing their own alcohol because the premises does not have a licence to sell it. The applicant had previously run a similar restaurant in Malton without any problems and advised that the premises will not be run as a bar but a high class restaurant with alcohol being sold to compliment the food. She wanted to be a good neighbour and be involved with the community and had signed up to the Minster Quarter and intended to take on trainees through the Blueberry Academy. It was advised that steps had already been taken to reduce the noise created by the doors to the premises.
4. The representations made by a resident who advised that a dividing wall separates his bedroom from the premises and that he has experienced nuisance caused by doors banging. He was grateful to the applicant for taking measures to address the problem caused by the doors and welcomed the opportunity to speak directly to her should problems occur in the future.

Members were presented with the following options:

- |                 |   |
|-----------------|---|
| <i>Option 1</i> | <i>Grant the licence in the terms applied for.</i>                            |
| Option 2        | Grant the licence with modified/additional conditions.                        |
| Option 3        | Grant the licence to which the application relates and modify/add conditions. |
| Option 4        | Reject the application.   |

Members chose Option 2 and added the following conditions:

- (i) CCTV will be installed to cover the premises and will include all 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 for any Responsible Authority for 7 days and will be made available to any Responsible Authority within 48 hours of a request.
- (ii) Copies of the recordings will display the correct time and date of the recording.
- (iii) 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).

- (iv) Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
- (v) Documented staff training will be given regarding the retail sale of alcohol and 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.
- (vi) There will be a minimum of 30 seated covers laid out at all times the venue is open.
- (vii) All windows and doors shall be kept closed whilst regulated entertainment is taking place, except for ingress and egress.
- (viii) Customers shall not be permitted to take their drinks outside of the premises after 21:00 hours.
- (ix) Regulated entertainment played within the premises will not be audible from outside the building.

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

REASON: To address the representations made.

Councillor Wiseman, Chair  
[The meeting started at 1.30 pm and finished at 2.20 pm].