
MEETING	LICENSING HEARING
DATE	24 JANUARY 2011
PRESENT	COUNCILLORS HYMAN, MOORE AND WISEMAN

69. CHAIR

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

70. DECLARATIONS OF INTEREST

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

71. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 27 September 2010 be approved and assigned by the Chair as a correct record.

72. THE DETERMINATION OF AN APPLICATION BY RIZA AYGUN FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 19 MICKLEGATE, YORK, YO1 6JH. (CYC-017746)

Members considered an application by Riza Aygun for a premises licence in respect of 19 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 objectives; prevention of crime and disorder and 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 new grant as the previous licence had been surrendered by the previous tenant.
3. The applicant's Counsel's representation at the hearing including the fact that should the Committee take the decision to grant the

licence the applicant would accept conditions placed on it. It was stated that the establishment would not attract additional people into the special policy zone as it would not be offering anything different to nearby take away premises, but it would assist in the redistribution of custom in the area. It was advised there is no immediate plans to operate a delivery service from the premises and that your client had offered to store waste indoors until the time of collection. In response to the objections from local residents it was advised that the premises had been under the management of a previous tenant and that the applicant is responsible and experienced in the take away trade.

4. The representations made by North Yorkshire Police in writing and at the hearing. They advised that a ninth premise along Micklegate would affect dispersal as take aways encourage people to wait around in the area which can lead to conflict. They considered the applicant's links to the previous tenants and their new business to be irrelevant.

5. Representations made by a local resident in writing and at the hearing. The Sub-Committee considered the representation to be relevant to the licensing objectives as concerns were raised regarding the potential for public nuisance late at night.

Having regard to the evidence and representations received, the sub-committee considered the steps which were available for them to take under section 72(4) of the Licensing Act as it considered necessary for the promotion of the Licensing Objectives.

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. |
| 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 4 and rejected the application. The reason for this was as follows:

Given that the premises are located within the Special Policy Area, the applicant in seeking a premises licence has failed to rebut the presumption that such a licence would not undermine the licensing objective of the prevention of crime and disorder and therefore the application was rejected.

RESOLVED: That in line with Option 4, the licence was refused.

REASON: Given that the premises are located within the Special Policy Area, the applicant in seeking a premises licence, failed to rebut the presumption that such a licence would not undermine the licensing objective if the prevention of crime and disorder.

Councillor Moore, Chair

[The meeting started at 10.15 am and finished at 12.00 pm].