
MEETING	LICENSING HEARING
DATE	15 DECEMBER 2011
PRESENT	COUNCILLORS BOYCE, GILLIES AND RICHARDSON

21. CHAIR

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

22. INTRODUCTIONS**23. 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 on the agenda. None were declared.

24. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 4th July 2011 be approved and signed by the Chair as a correct record.

25. THE DETERMINATION OF AN APPLICATION BY SCOTTISH AND NEWCASTLE PUB COMPANY (MANAGEMENT) LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF MONTEY'S, 129 MICKLEGATE, YORK. (CYC- 019198)

Members considered an application by Scottish and Newcastle Pub Company (Management) Ltd for a premises licence in respect of Montey's, 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 crime and disorder and public nuisance. The following were taken into account:

1. The application form
2. The Licensing Officers report and her comments made at the hearing. She advised that the application was for a new grant although the premises had been operating under a previous licence which had recently lapsed.
3. The representations made by the Solicitor for the applicant. He advised that the previous licence had lapsed due to the previous holding company being dissolved and that a new licence was being sought as a result. The applicant had already agreed to a number of conditions with North Yorkshire Police and the Environmental Protection Unit (EPU) although some remained outstanding.
4. The representations made by the Solicitor for North Yorkshire Police who strongly requested that a condition relating to provision of door staff be added to the licence due to the location of the premises in the Cumulative Impact Zone.
5. The representations made by the Council's EPU department who advised that a number of complaints had been received regarding noise originating from the premises, most recently in May and June 2011. Four conditions had been suggested, three of which had been accepted by the applicant but a condition relating to the closure of the rear garden after 23:00 was still in dispute.
6. The representations made in writing and at the hearing by local residents. They raised concerns regarding noise from the premises which often carried on until the early hours and originated from the garden and from inside the bar due to doors being propped open.

Members were presented with the following 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.

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

1. 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).
2. Standard one pint capacity, half pint capacity and “high ball tumbler” drinking glasses will be strengthened glass (tempered glassware) in design whereby in the event of breakage the glass will fragment and no sharp edges are left.
3. Drinking glasses of any type should not be allowed to enter or leave the premises whilst under the customers care.
4. All off sales shall be made in sealed containers save for those sales specifically for consumption in any outside drinking areas attached to the premises.
5. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence and the opening times of the venue.
6. Such training in condition 5 will be refreshed and documented every 6 months and the documented records shall be kept for at least 3 years.
7. Such training records should be kept for at least 3 years and they will be made available upon a reasonable request for any responsible authority.
8. The Management of the venue will comply with any written, reasonable and justified requests made by North Yorkshire police regarding the provision of door supervisors should the need arise.
9. A refusals register and Incident Report Register will be kept. Such documents will record incidents of staff

refusals to underage or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.

10. Both the above documents (Condition 9) will be available upon a reasonable request from any Responsible Authority and will be kept for at least a year.
11. 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.
12. CCTV will be installed to cover the premises and will include all areas (including outside areas) by 1st June 2012, to where the public have access to consume alcohol.
13. CCTV will be maintained, working and recording at all times when the premises are open.
14. The recording should be of sufficient quality to be produced in court or such hearing.
15. Copies of recordings will be kept available for any responsible authority for 21 days and be made available to any responsible authority within 48 hours of a request.
16. Copies of the recordings will display the correct time and dates of the recording.
17. An adequate number of door supervisors (at least 1) will be provided from 21:00 until the close of business on the following evenings: 1. Friday and Saturday evenings. 2. Evenings before a bank holiday. 3. On any night advertised as a student night in connection with any local student establishment. 4. On recognised York Race Days.
18. The venue will partake in the York Nighttime Economy Radio Scheme. The radio should be turned on and carried by the Duty Manager (or Door Supervisor when deployed) at all times that the venue is open for business after 1900 hours (the Duty Manager may opt to turn on the radio earlier if required).
19. In order that the Licensing Objective the prevention of crime and disorder is not undermined the capacity will be a maximum of 160.

20. No music or amplified sound emanating from within the premises shall be audible at the rear boundary of the beer garden to the rear of the premises.
21. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
22. A fence and lockable gate shall be erected in the rear garden as indicated on the plan with the agreement of City of York Council's Licensing Manager. The gate shall be locked at 23:00 on each and everyday.
23. Self closing double doors shall be installed to be agreed with the Licensing Manager to ensure mitigation of noise emanating from the premises.

All mandatory conditions shall apply.

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

REASON: To address the representations made.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 12.10 pm].