
Meeting	Licensing Hearing
Date	25 January 2012
Present	Councillors Doughty, Jeffries and Wiseman

47. Chair

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

48. Introductions**49. Declarations of Interest**

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

50. The Determination of an Application by Mr. James Morrison for a Premises Licence Section 18(3)(a) in respect of 83b Heworth Road, York, YO31 3PX. (CYC-019662)

Members considered an application by Mr James Morrison for a Premises Licence in respect of 83b Heworth Road, York.

In coming to their decision, the sub-committee took into consideration all of the evidence that was presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The licence application form.
2. The Licensing Managers report and her comments made at the Hearing. She advised that the application was for a new grant for the sale of alcohol off the premises. There had been no representations from any responsible

authority although North Yorkshire Police had met with the applicant and agreed a number of conditions.

3. The applicants representations made at the hearing. He advised that he intended to keep noise to a minimum during the operating hours and would be taking measures such as fitting seals to the delivery vehicle doors, using a petrol engine vehicle and preventing drivers from using car radios. He had spoken to immediate neighbours who had raised no objections to the application.
4. The representations made by a local resident in writing who raised concerns about the potential for noise nuisance in what is primarily a residential area.

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 related and modify/add conditions accordingly.

Option 4 Reject the application.

Members chose Option 2 and added the following conditions, as agreed with North Yorkshire Police to the licence:

1. The venue is only to be used for alcohol delivery and members of the public will not be sold alcohol by visiting the premises.
2. There shall be a documented mandatory photographic ID check for all delivery sales.
3. 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).

4. All delivery sales of alcohol shall be undertaken by a member of staff aged over 18 years.
5. All delivery sales of alcohol shall be to a specified address and not on the street.
6. All delivery sales shall be made in sealed containers.
7. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and operating times of the venue.
8. Such records (re condition 7) shall be kept for at least one year and they will be made available within 48 hours upon a reasonable request from any Responsible Authority.
9. A Refusals Register and incident Report Register will be kept. Such documents will record incidents of staff refusals to under age or drunken people as well as incidents of any anti-social behaviour that may occur at delivery addresses.
10. Both documents (referred to in condition ix shall be kept for at least one year and they will be made available within 48 hours upon a reasonable request from any Responsible Authority.

All relevant mandatory conditions shall apply.

Resolved: That in line with option 2 the licence be granted.

Reason: To address the issues raised.

Councillor Wiseman, Chair

[The meeting started at 10.00 am and finished at 10.25 am].