
MEETING	LICENSING HEARING
DATE	18 JUNE 2012
PRESENT	COUNCILLORS HORTON, JEFFRIES AND LOOKER

14. CHAIR

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

15. INTRODUCTIONS**16. 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.

17. THE DETERMINATION OF AN APPLICATION BY NABURN LEISURE LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF YORK MARINA CAFE, NABURN, YORK, YO19 4RW. (CYC-020456)

Members considered an application by Naburn Leisure Ltd for a Premises Licence in respect of York Marina Cafe.

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

1. The licence application form.
2. The Licensing Officers report and her comments made at the hearing. She clarified the location of the premises and advised that the application was for a premises licence for a cafe. North Yorkshire Police and the Councils Environmental Protection Unit had agreed a number of conditions with the applicant prior to the hearing.

3. The representations made by the applicant at the hearing. He advised that the cafe is a new venture that would be aimed at users of the marina and local residents. The application had been made as the marina accommodates 300 boats but currently has no facility for refreshments. The long hours applied for had been made by a Licensing Consultant who had suggested applying for the widest possible hours to provide flexibility for the business. He advised that the premises would be run as a cafe with the possibility of private functions in the future.
4. The representations made at the hearing by a local resident who raised concerns about the potential for public nuisance in the area. He stated that although the addition of a cafe in the village was welcomed the long hours applied for were unreasonable and could cause nuisance late at night in an area that is otherwise quiet.
5. Written representations made by local residents and the Parish Council during the consultation period.

In coming to their decision the Sub-Committee 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 imposed the following conditions:

- i. The venue shall operate wholly as a café style operation. For the purpose of clarity a "café style" would be defined as a small restaurant serving light refreshments and meals.

- ii. There shall be a maximum capacity of 120 people so as to ensure the Licensing Objective *the prevention of crime and disorder* is not undermined.
- iii. There shall be a minimum of 40 seated covers available at all times.
- iv. 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 and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
- v. 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. 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. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care (save for the exemption listed in condition viii below).
- vii. All OFF sales shall be made in sealed containers (save for the exemption listed in Condition 8 below).
- viii. The exemption to the above (Conditions vi and vii) shall be for consumption on the riverside directly affronting the venue OR for consumption on any pre-booked sailing vessel associated with the venue.
- ix. 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).
- x. When the venue operates after 2300hrs for any licensable activity this shall be only for pre-booked functions that have been booked in writing at least 7 days in advance..

- xi. No windows and doors to be open after 23:00 hours when regulated entertainment or music events are taking place.
- xii. No outdoor drinking to be allowed on the patio after midnight.
- xiii. Opening hours shall be:
Sunday-Thursday 09:00 – 23:00
Friday and Saturday 09:00 – 02:00
- xiv. Licensable activities applied for (Live Music, Recorded Music, Provision of facilities for making music, Provision of facilities for dancing and Supply of alcohol) shall be:
Sunday-Thursday 09:00 – 23:00
Friday-Saturday 09:00 – 02:00
(Indoors only except for supply of alcohol which shall be on and off sales).

Late night refreshment shall be Friday and Saturday
23:00 – 02:00 indoors only.

All relevant mandatory conditions shall apply.

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

REASON: To address the representations made.

Councillor Looker, Chair
[The meeting started at 10.00 am and finished at 10.45 am].