

Meeting	Licensing Hearing
Date	4 September 2013
Present	Councillors Boyce, Looker and Watt

22. Chair

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

23. Introductions

24. Declarations of Interest

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

25. **The Determination of an Application by The Restaurant Group (UK) Ltd for a Premises Licence [Section 18(3)(a)] in respect of Frankie & Benny's Restaurant, Unit 2, Vangarde Retail Park, Monks Cross, York (CYC-022253)**

A Licensing hearing was called to consider an application by The Restaurant Group (UK) Ltd in respect of Frankie and Bennys, Unit 2, Vangarde Retail Park, Monks Cross, York.

Prior to the Hearing mediation took place between the applicant and North Yorkshire Police. It was reported that the following conditions had been agreed:

1. A CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.
2. The CCTV system will be maintained, working and recording at all times when the premises are open.

3. The recordings shall be of good evidential quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
8. Open drinking vessels (to include bottles) of any type shall not be allowed to enter or leave the premises whilst under the customer's care.
9. All OFF sales shall be in sealed containers (save for consumption in any outside drinking area attached to the premises).
10. This condition will apply during all York City FC football matches, all York RL rugby matches and all large scale events (large scale being any publically advertised event where the attendance can reasonably be expected to be over 1000 people) held at the Community Stadium, Monks Cross, three hours prior to the scheduled kick off/start time of the event and for a period of two hours after the scheduled finish time of the event :
 - i) Alcohol will only be sold as ancillary to a meal at table seated areas within the internal restaurant area of the premises;
 - ii) There will be no vertical drinking in the external seating areas;
 - iii) External seating shall be limited at the front of the premises to 58 seats and 18 tables, and at the rear of the premises (facing the retail unit) seating shall be limited to 24 seats and 6 tables; and
 - iv) There shall be no more than 20 persons at the bar area, whether seated on bar stools or standing.

The Sub-Committee were presented with the following options:

- Option 1 Grant the variation to the Licence in the terms applied for.
- Option 2 Grant the variation to the Licence with modified/additional conditions imposed by the Licensing Committee.
- Option 3 Grant the variation to the Licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

Resolved: That following successful mediation, the licence application be approved in line with Option 2 and the agreed conditions be added to the licence.

Reason: The Sub-Committee concluded that the application was acceptable with the above additional conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives.

Councillor Boyce, Chair
[The meeting started at 10.30 am and finished at 10.45 am].