

Meeting	Licensing Hearing
Date	4 November 2013
Present	Councillors Boyce, Cuthbertson and Richardson

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**46. Chair**

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

**47. Introductions****48. Declarations of Interest**

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

**49. Minutes**

Resolved: That the minutes of the Licensing Hearings held on 28<sup>th</sup> August and 4<sup>th</sup> September be approved and signed by the Chair as a correct record.

**50. The Determination of an Application by Mr Erdal Ozturkce for a Premises Licence Section 18(3)(a) in respect of Late Night Mobile Trader, Whip-ma-Whop-ma-Gate, York. (CYC-022587)**

Members considered an application by Mr Erdal Ozturkce for a premises licence in respect of Late Night Mobile Trader, Whip-ma-Whop-ma-Gate, York.

In coming to their decision, Members 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.

The following were taken into account:

1. The application form.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for the provision of late night refreshment Monday to Thursday 23:00 to 03:30 and Friday to Sunday between 23:00 and 04:30 for a mobile catering unit to be situated in Whip-ma-Whop-ma-Gate, York. A previous licence at the site had lapsed in February 2013. The premises are not currently located within the special policy area. Conditions had been agreed with the applicant and North Yorkshire Police prior to the hearing. Consultation had been carried out correctly.
3. The applicants comments made at the hearing. He advised that he had previously operated his business from Toft Green but following a nightclub in the area reducing its opening hours and the lease on the pitch coming to an end, he was now seeking an alternative site. He reassured Members that he was intending to have a mains supply of electricity to avoid the use of a noisy generator and would carry out litter picks in the vicinity of the catering van. He would be installing a CCTV system as requested by the Police. In relation to concerns about noise from customers, he agreed to try to stop customers immediately in front of the van from making a noise but asked Members to acknowledge that he could not do anything about drunken people or noise in the wider area.
4. The representations made in writing by local residents and business owners in the area who had raised concerns about a potential for an increase in anti social behaviour late at night should the application be approved. The Sub-Committee Members took into consideration the comments made in writing when addressing the applicant.

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 agreed to grant the licence with the following conditions:

1. A CCTV system will be installed to cover the premises and will include the area to where the public congregate to buy food.
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 7 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. Documented staff training will be given regarding the conditions attached to the premises licence and the opening times of the venue.
8. Such training records (referred to in condition 7) should be kept for at least 1 year.
9. Such training records (referred to in Condition 7) will be made available for inspection upon request by any responsible authority.

10. Prominent, clear and legible notices shall be displayed requesting the public to respect the needs of local residents and leave the premises and area quietly.
11. Upon closing the premises at conclusion of business, staff will undertake a general litter pick-up and tidy of the general area of the premises.
12. A minimum of two trained members of staff shall be employed on the premises at all times the venue is open for business from 23:00 until the venue closes.
13. The proprietor shall apply to take part in the York Night Time Economy Radio Scheme and purchase radio equipment if membership is offered.
14. Power to the unit shall be supplied by a mains connection and no generator shall be used at anytime.

All relevant mandatory conditions shall apply.

Resolved: That the application be approved in line with Option 2 as detailed above.

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

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.30 am].