
Meeting	Licensing Hearing
Date	9 January 2014
Present	Councillors Boyce, Funnell and Orrell
In Attendance	Councillor Watson

56. Chair

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

57. Introductions

58. 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.

59. Minutes

Resolved: That the minutes of the Licensing Hearings held on 10th and 19th September 2013 be approved and signed by the Chair as a correct record.

60. The Determination of an Application by Andrew Thwaite to Vary a Premises Licence Section 35(3)(a) in respect of York Chocolate Story, Kings Square, York, YO1 7LD. (CYC-020175)

Members considered an application by Andrew Thwaite to vary a premises licence in respect of York Chocolate Story, Kings Square, 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 to vary the licence to include off sales. North Yorkshire Police had agreed a condition with the applicant. Consultation was carried out correctly.
3. The applicants representations made at the hearing. Members were advised that all staff involved in the sale of alcohol had been trained and would be selling alcohol responsibly. The retail alcohol products on offer would be luxury goods that would be in sealed containers sold from the gift shop, not associated with over-indulging, and it was not anticipated that customers would take such products to consume in Kings Square. The premises do not have a bar but may wish to offer mulled wine or a coffee with alcohol, which would be served in paper cups to patrons of the Chocolate Story. The cafe area has limited seating, and it would be envisaged that some patrons may take such drinks outside the premises to consume.
4. The Ward Councillors comments made in writing and at the hearing. who raised concerns about the potential for alcohol purchased at the Chocolate Story being consumed in Kings Square and associated problems such as children mixing with people drinking alcohol and anti-social behaviour. Concerns were also raised about the potential for broken glass in the square.

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 condition as agreed with North Yorkshire Police:

All off sales shall be in sealed containers save for the provision of mulled wine or a hot drink with no more than a double measure of alcohol added. Such drinks must only be provided in non-glass vessels.

Reason for the Decision:

The Sub-Committee concluded that the application was acceptable with the above additional condition as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

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

Reason: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 10.40 am].