

Meeting	Licensing Hearing
Date	24 September 2015
Present	Councillors Boyce, Gillies and Richardson

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 were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Gillies declared a personal non prejudicial interest as he had met the representor Mr Smart at a Licensing Hearing in the past.

25. Minutes

Resolved: That the minutes of the Licensing Hearings held on 27th July 2015 and 3rd August 2015 be approved and signed by the Chair as a correct record.

26. The Determination of an Application by White Rose Ltd for a Premises Licence Section 18(3)(a) in respect of Unit 2 & 4, 6 Grape Lane, York YO1 7HU. (CYC-053898)

Members considered an application by White Rose Ltd for a premises licence in respect of Units 2 & 4, 6 Grape Lane, 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 Officer's report and her comments made at the hearing. She advised that the premises were located within the special policy area. Consultations had been carried out correctly. Representations made by the EPU and North Yorkshire Police had been mediated by way of conditions.
3. The representations made at the hearing by the applicant's agent and those of the applicant who explained the rationale for the change of use of the premises. They advised that some of the points raised in the representations referred to planning matters which were not relevant to the licence application. The applicant intends to offer a deli and restaurant style operation with a minimum of 30 covers and it was not the intention for the premises to be drink led, although flexibility to serve alcohol on its own was being applied for. In response to concerns by the representors the applicant withdrew category F (recorded music) and category H (anything of a similar description to that falling within e, f or g) as only background music would be played.
4. The representations made in writing by local residents and at the hearing by one of residents and Councillor Denise Craghill at the hearing on his behalf. Concerns were raised about the concentration of licensed premises in the area and the potential for an increase in noise nuisance which impacts upon residents. They queried why a deli would require a licence until midnight and felt that the application appeared to be an extension of the existing bar located upstairs at the premises. They considered that a deli style operation would be a welcome addition to Grape Lane but raised concerns about alcohol being served at tables until midnight without the need for customers to purchase a meal.

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.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates.
- Option 4 Reject the application

In coming to their decision the Sub Committee chose Option 2 and granted the application with modified/additional conditions as follows:

1. CCTV
 - a. A colour CCTV system shall be installed to cover the licensable area and be operational and recording at all times when licensable activities take place.
 - b. The CCTV equipment shall have date/time generation which must be checked on a weekly basis for accuracy.
 - c. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
 - d. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
 - e. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
2. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 - (i) retail sale of alcohol;
 - (ii) age verification policy;
 - (iii) conditions attached to the premises licence;
 - (iv) permitted licensable activities;

- (v) the licensing objectives;
- (vi) opening times for the venue,

with such records being kept for a minimum of one year. (For the avoidance of doubt the one year period relates to each entry in the log book and runs from the date of the particular entry).

3. The venue shall operate a Challenge 25 age verification policy for the sale of alcohol.
4. An incident book/refusals register will be kept at the premises and made available on request to an authorised officer or the police which will record the following:
 - a) All alcohol related crimes reported to the venue
 - b) Any complaints received regarding alcohol related crime and disorder
 - c) Any faults in the CCTV system
 - d) Any refusal of the sale of alcohol
 - e) Any visit by a relevant authority or emergency service.
5. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
6. The sale and supply of alcohol for consumption on the premises shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
7. Prominent, clear and legible notices shall be displayed on all fire exits stating that fire exits are for emergency use only.
8. Music or amplified sound shall be inaudible at 1 metre from the facade of the nearest residential premises.
9. Signs shall be displayed near the exits reminding customers to respect the needs of those living nearby and to leave the premises as quietly as possible.

10. Bottle and glass collections shall take place between 08:00 and 20:00 hours Monday-Friday.

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

Reason: To address the issues raised.

Reason for the Decision

The Sub-Committee carefully considered the application and the representations submitted in writing and orally at the hearing by those making representations and the Applicant. In reaching their decision, the Sub-Committee took into consideration the provisions of the Licensing Act 2003, in particular the statutory Licensing Objectives, together with 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.

The Sub-Committee had regard to the impact of noise and disturbance on local residents in the area and the representations that had been made. They were mindful that the premises were in a mixed commercial and residential area which had a considerable number of other licensed premises in close proximity and that this was an application for a new licensed premise. They also noted that the premises are located within the cumulative impact zone. Having regard to licensing policy, the Sub –Committee considered that the licensing objectives could be met, and the licence be granted, provided that conditions were attached to meet the licensing objectives of preventing public nuisance and crime and disorder.

The Sub-Committee had regard to the Applicant's preference for flexibility in seeking the ability to serve alcohol without food until midnight, and took into account the conditions agreed with the Police and the Public Protection Unit to control crime and disorder and disturbance to local residents. However, the Sub-Committee considered that it was necessary and proportionate to impose a condition to ensure that the assurances given by the applicant that the emphasis will be on dining as opposed to drinking will be adhered to. It therefore imposed a condition to

prevent future use as a wine bar only in order to prevent public nuisance in the form of unacceptable noise and disturbance likely to be caused by patrons of a drinking establishment late at night.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate to meet the licensing objectives. With these restrictions and because the business is to be food-led, the Sub-Committee was satisfied that there would be no negative impact on the promotion of the licensing objectives nor would it add to the cumulative impact.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 12.15 pm].