

Meeting	Licensing Hearing
Date	7 November 2016
Present	Councillors Hayes, Mercer and Richardson

10. Chair

Resolved: That Councillor Richardson be elected to Chair the meeting.

11. Introductions**12. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests. No further interests were declared.

13. Minutes

Resolved: That the minutes of the Licensing Hearings held on 09 June and 16 June 2016 be approved as a correct record and then signed by the Chair.

14. The Determination of an Application by Make it York for a Premises Licence Section 18(3) (a) in respect of Parliament Street and St Sampson's Square, York (Christmas Market site) (CYC-056707)

Members considered an application by Make it York for a Premises License Section 18 (3) (a) in respect of Parliament Street and St Sampson's Square, York (Christmas Market Site).

The Sub-Committee noted that the applicant had agreed to the following additional conditions:

1. The Christmas Market may only operate on consecutive days between the 1 November and 6 January.

2. To qualify as the Christmas Market (as per the above condition), the market must have a Christmas theme.
3. Any point of sale for the retail sale of alcohol outside the tented structure of the Tipi shall only be permitted for the sale of mulled wine, mulled cider, liquor coffee and hot chocolate.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Manager's report and the Licensing Officers comments made at the Hearing. The Sub-Committee received an outline of the application and had been advised that the premises were located within the special policy area. They confirmed there were no planning issues and that consultation had been carried out correctly.
3. The applicant's representations made at the hearing, which included clarification that having a second licence and additional Designated Premises Supervisor (DPS) would allow them greater control over the food and drink venue. A third party would be employed to manage the running of the tipi, including staff training. They advised that they had consulted with North Yorkshire Police and the Licensing Officer in order to agree the additional conditions set out in the report.
4. Written representations by Councillor Lars Kramm, who raised issues around alcohol consumption in the Cumulative Impact Zone (CIZ) and suggested that, if granted, the license be reviewed annually.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 18(4) that it considered necessary for the promotion of the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section

18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the licensing objectives:

Option 1: Grant the licence in the terms applied for. This option was **rejected**.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

Option 4: Reject the application. This option was **rejected**.

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

1. The Christmas Market may only operate on consecutive days between the 1 November and 6 January.
2. To qualify as the Christmas Market (as per the above condition), the market must have a Christmas theme.
3. Any point of sale for the retail sale of alcohol outside the tented structure of the Tipi shall only be permitted for the sale of mulled wine, mulled cider, liquor coffee and hot chocolate.

Reason for the Decision:

The Sub-Committee noted that, after the additional conditions were agreed, North Yorkshire Police had no objections to the application. There had only been one representation and the application was reasonable and an attempt to more tightly control management of the venue. The Sub-Committee were mindful of the fact that the premises were located in an area to which a Special Policy of Cumulative Impact applied, creating a rebuttable presumption against the granting of new licences to sell alcohol in that area. The Sub-Committee considered that the applicant had demonstrated that, with the imposition of suitable conditions, the premises would not add to the alcohol related problems in the area and that there would be no negative cumulative impact on the licensing objectives.

Councillor Richardson, Chair
[The meeting started at 10.10 am and finished at 10.35 am].