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Meeting	Licensing/Gambling Hearing
Date	6 September 2018
Present	Councillors Boyce, Pavlovic and K Taylor

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#### 11. Chair

Resolved: That Councillor Boyce be appointed to Chair the meeting.

#### 12. Introductions

#### 13. 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 which they may have in respect of business on the agenda. None were declared.

#### 14. **The Determination of an Application by Helen Heraty to Vary Premises Licence [Section 35(3)(a)] in respect of Grays Court, Chapter House Street, York, YO1 7JH (CYC-018630)**

Members considered an application by Ms Helen Heraty to Vary a Premises Licence [Section 35(3)(a)] in respect of Grays Court, Chapter House Street, York, YO1 7J.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. Prevention of public nuisance

The Chair opened the Hearing with introductions and she explained the quasi-judicial function of the Sub-Committee in determining licensing applications and the basis upon which

decisions were made in considering the evidence before them and within licensing law.

The Chair stated that the Sub-Committee had received an application for adjournment from the Applicant, a copy of which had been included in the papers for the Hearing. The Chair explained that in order to consider the Applicant's request to adjourn, the Sub-Committee would hear the views of Representors and the Applicant. Following this, the Sub-Committee would then retire to consider the request in private session before inviting Representors and the Applicant back into the room when a decision had been reached.

The Applicant explained that her request to adjourn was in the public interest as Grays Court was a historic building holding public events of benefit to the city. The Applicant added that her Solicitor was unable to attend the Hearing and that she would feel more comfortable if she could have legal representation with her at the Hearing.

The Chair then gave each Representor present the opportunity to speak:

The Solicitor for two Representors, Mr Grunert (John Gaunt & Partners) outlined his clients' objection to the request for an adjournment. He questioned the timing of the request noting that application was in situ and was of the Applicant's own making. He cited the legal costs incurred to his clients in attending the Hearing and added that they had changed their own arrangements to attend the Hearing. He stated that there was no argument to be put forward and stated that his clients would like to proceed with the Hearing.

Mr Oates (Legal Adviser and Chapter Clerk, York Minster) had also made representation against the application and he stated that it was in the public interest that the fairest decision was made. He stated that York Minster raised no objection to an adjournment. He added that the attendance of the Applicant's Solicitor who was familiar with the case may be of benefit to the Sub-Committee in making their decision.

The Sub-Committee then retired to consider the request in private session, before inviting Representors and the Applicant back into the room when a decision had been reached. In coming to their decision to adjourn the Hearing, the Sub-

Committee concluded that in the interests of fairness and justice and the efficient use of committee time, the Hearing be adjourned to enable the Applicant to arrange for legal representation. In accordance with regulations, the date was fixed as Thursday 11 October 2018 at 10.00am by the Committee.

Cllr B Boyce, Chair

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

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