
MEETING	LICENSING HEARING
DATE	26 JUNE 2008
PRESENT	COUNCILLORS WISEMAN , MOORE AND AYRE

5. CHAIR

RESOLVED: That Councillor Moore be elected as Chair of the meeting.

6. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

7. THE DETERMINATION OF AN APPLICATION BY THE WHITBREAD GROUP PLC FOR A PREMISES LICENCE [SECTION 18 (3)(A)] IN RESPECT OF 28-40 BLOSSOM STREET, YORK, YO24 1AJ. (CYC-014050)

Members considered an application by Whitbread Group Plc for the Determination of Premises Licence in respect of 28-40 Blossom Street, York, and YO24 1AJ

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; the prevention of crime and disorder, public safety and the prevention of public nuisance.

1. The application form, in particular the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and his comments made at the Hearing. The officer clarified that there was an error in paragraph 6 of his report. The proposed hours were 10:00 hours to 00:30 hours and not 03:00 hours as set out in the report. He confirmed that the applicant had undertaken mediation with North Yorkshire Police and North Yorkshire Fire and Rescue Service. In light of this, both of the authorities had withdrawn their representations with the understanding that the applicant agreed to 9 additional conditions. The additional conditions were circulated to Members. He reminded Members that the premises were within York's Cumulative Impact Zone (CIZ)

Members clarified Sections P (b) 2 and P (d) 2 of the application form with the Applicant. Amendments were made and set out with the additional conditions.

3. The Applicants representation including the fact that the premises would be food led. The Applicant already operated a neighbouring premise without and reported incidents. The Applicant stated that the company had a vested interest to maintain order to minimise disruption to the hotel guests. It was reiterated that the Police and Fire Authorities representations had been successfully mediated.
4. The representations made by the New York Club and Institute both at the hearing and in writing. The Sub-Committee considered the representation relevant to the issues raised and the licensing objectives as the Secretary of the club had genuine concerns regarding noise, location of the premises and policing.
5. Written representations made during the consultation period.

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 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

RESOLVED: That in line with option 2 the licence be granted.

The Sub-Committee then confirmed that the following amendments had been made to the application:

Section P (b) 2 should now read - Alcoholic and other drinks will only be consumed:

- a) On the licensed premises
- b) In any designated external smoking area
- c) In the adjacent Hotel.

Section P (d) 2 should have the words 'where appropriate' deleted.

In coming to their decision of approving the above Option 2 the Sub-Committee decided to impose the mandatory conditions set out in Sub-Sections 19,20 and 21 of the Licensing Act 2003.

They then imposed the following additional conditions:

1. Adequate SIA registered frontline operative(s) shall be on duty at the premises at the following times: -
 - i) Friday and Saturday evening from 1900hrs
 - ii) Sunday evening (being before the recognised Bank Holiday Monday but shall not be less than one)

- iii) Race Days (the number of SIA operatives shall be determined by the Premises Licence Holder but shall not be less than one)
2. The maximum capacity of the licensed premises shall be 300 persons and a minimum of 240-seated covers will be provided at all times.
3. Of the minimum seated covers maintained, at least 200 shall be at tables indicative of dining. (Menus and cutlery pots will be placed on the tables)
4. A full food menu shall be available (in accordance with the brand standard) with food orders being accepted up to 10pm on any day.
5. Prominent clear and legible notices shall be displayed at all exits requesting the public to request the needs of local residents and to leave the premises and area quietly.
6. The premises shall operate a challenge 21 policy and by way of photographic I.D will only accept a photo driving licence, passport or proof of age card with a 'pass' logo.
7. The premises shall maintain a refusal book on site.
8. CCTV shall be installed within the premises in accordance with North Yorkshire Police "basic CCTV specification for licensed premises" document.
9. There shall be no material change in the proposed style of operation of the premises being overall a food led public house with hotel accommodation above.
10. With the exception of the sale of both alcohol and late night refreshment, all other regulated entertainment applied for shall be restricted to 15 days per year.
11. Signage shall be erected in the designated smoking area, reminding patrons to respect the interests of neighbouring persons. A member of staff shall monitor said area.

All conditions offered by the Applicant in the application, including the operating schedule, for granting the Premises License under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

REASON: To address the representations made in respect of the prevention of crime and disorder, public safety and the prevention of public nuisance

Councillor Richard Moore, Chair
[The meeting started at 11.15 am and finished at 1.10 pm].