

---

MEETING	LICENSING HEARING
DATE	4 AUGUST 2008
PRESENT	COUNCILLORS FUNNELL, MERRETT AND MOORE

---

**16. CHAIR**

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

**17. DECLARATIONS OF INTEREST**

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. Councillor Merrett declared a personal non prejudicial interest as he knew one of the representors, in a professional capacity. The representor was in attendance at the hearing and acknowledged as being a Council Employee.

**18. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded prior to consideration of the personal data contained in annexes 2 and 4 to agenda item 6 as provided by the Data Protection Act 1998.

**19. MINUTES**

RESOLVED: That the minutes of the two Licensing Hearings held on Thursday 26 June 2008 be signed be approved and signed by the Chair as a correct record.

**20. THE DETERMINATION OF AN APPLICATION BY MR. MEMET KOYUPINAR FOR A PREMISES LICENCE [SECTION 18(3)(A)] IN RESPECT OF CASTLE TAKEAWAY, UNIT 4, ACOMB WOOD DRIVE SHOPPING CENTRE, ACOMB WOOD DRIVE, YORK, YO23 3XN. (CYC-014096)**

Members considered an application by Mr. Memet Koyupinar for a Premises Licence in respect of Castle Takeaway, Acomb Wood Drive Shopping Centre, and York.

In coming to their decision the Sub-Committee 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 prevention of public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm.

1. The Application form and any 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 including the fact that some residents representations may not be relevant to the application as they may not be considered to live within the vicinity of the premises and that the Police Authority had withdrawn their representation as the Applicant had agreed to install CCTV and to carry out a litter pick upon close of business each day.
3. The Applicant's representations at the hearing including the fact that no alcohol will be sold at the premises and the main reason for requiring later opening hours is for business reasons. The Applicant pointed out that the majority of late night sales are delivery based but would call the Police should any visiting patrons engage in anti-social behaviour.
4. Written representations made during the consultation period and verbal representations made at the hearing by Ward Councillors and Local Residents.

Members were presented with the following options:

- |                 |   |
|-----------------|---|
| <b>Option 1</b> | Grant the licence in the terms applied for.   |
| <b>Option 2</b> | Grant the licence with modified/additional conditions imposed by the licensing committee.   |
| <b>Option 3</b> | Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. |
| <b>Option 4</b> | Reject the application  |

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

In coming to their decision of approving Option 2 the Sub-Committee then imposed the following conditions:

1. Licensable Opening Hours shall be Sunday-Thursday 23:00 – 00:00 and Friday and Saturday 23:00 – 01:00.
2. That the following conditions requested by North Yorkshire Police shall be adhered to:
  - (i) CCTV will be installed to cover the premises. It will be maintained and working at all times that the premises are open. Copies of recordings will be kept available for any relevant authority for 7 days.

(ii) Upon closing the premises at the conclusion of business, staff will undertake a general litter pick of the immediate vicinity of the premises.

3. A notice shall be prominently displayed reminding patrons to dispose of litter responsibly and to leave the premises quietly.

There are no mandatory conditions.

REASON: To address the representations made in respect of the prevention of public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm.

Councillor Richard Moore, Chair  
[The meeting started at 10.10 am and finished at 11.13 am].