
MEETING	LICENSING/GAMBLING HEARING
DATE	20 AUGUST 2009
PRESENT	COUNCILLORS MOORE, PIERCE AND WISEMAN

1. CHAIR

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

3. DECLARATIONS OF INTEREST

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

4. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 27 July 2009 be signed and approved as a correct record by the Chair.

5. THE DETERMINATION OF AN APPLICATION BY TO THE MOON LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 69-71 MICKLEGATE, YORK, YO1 6LJ. (CYC-015873)

Members considered an application by To The Moon Ltd for a premises licence in respect of 69 Micklegate, York.

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 public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

The application form, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.

- 1) The Licensing Officers report and his comments made at the hearing including the fact that the proposed opening hours are similar to those of the last establishment on the site and that it is for a food led operation and it is not intended to be a dance venue or vertical drinking establishment

2) The applicants representations at the hearing including the fact that the concept is to appeal to clientele by providing entertainment in an environment that is conducive to eating, rather than a drinking establishment. Following discussions the applicant amended the application in relation to the hours applied for as follows:

- The hours open to the public shall be 09:00 to midnight on each and every day.
- The exhibition of films 09:00 to midnight on each and every day.
- The playing of recorded music 09:00 to midnight on each and every day
- The supply of alcohol 11:00 to midnight on each and every day.
- The 'provision for dancing' shall be withdrawn from the application.

3) The representations made by local residents in writing and at the hearing . The Sub-Committee considered the written representations to be relevant to the issues raised and the licensing objectives listed above as they expressed concern about a possible increase in noise levels, anti social behaviour and litter in the area.

4) Written representations made during the consultation period.

The representations made by the responsible authorities were withdrawn prior to the Hearing following successful mediation.

Members were presented with the following options:

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| 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 and modify/add conditions accordingly. |
| Option 4 | Reject the application. |

The Sub Committee then imposed the following conditions:

1. The premises shall operate primarily as a restaurant i.e the provision of meals with patrons seated at tables.
2. Alcohol will be served ancillary to a meal and will cease at 23:00 on each and everyday.
3. CCTV will be installed to cover the premises and will include all areas (including outside areas) to where the public have access. It will be maintained working and recording at all times when the premises are open. The recordings shall be

of sufficient quality to be produced in Court or other such hearing. Copies of recordings will be kept available for any responsible authority for 28 days.

4. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
5. Patrons shall not be allowed to enter or leave the premises, while carrying drinking vessels of any type.
6. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of door supervisors should the need arise.
7. A refusals register and Incident Report register will be kept. Such documents will record incidents of staff refusals to underage or drunk peoples well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any responsible authority.
8. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
9. The premises shall only stay open until 03:00 hours on New Years Eve (i.e.: 03:00 on New Years Day).
10. There shall be a maximum of 60 seated covers to ensure that the Licensing Objective "the Prevention of Crime and Disorder" is not undermined.
11. All other licensable activities shall cease at 23:00. The premises shall close at 23.30.
12. The emptying of bottle bins in the rear yard shall only take place between 08:00 hours and 23:00 hours on each and everyday.
13. In the interests of public safety, the maximum permitted occupancy of the premises including staff, should not exceed 100 persons with the front door opening outwards.
14. The front of the premises shall be cleaned at the close of business on each and everyday.

For the avoidance of doubt, the licence shall not apply to the delicatessen at 71 Micklegate.

RESOLVED: That in line with Option 3, the licence be granted

REASON: To address the representations made.

Councillor Moore, Chair

[The meeting started at 10.00 am and finished at 11.25 am].