
MEETING	LICENSING HEARING
DATE	25 JANUARY 2010
PRESENT	COUNCILLORS HORTON, MERRETT AND WISEMAN
APOLOGIES	COUNCILLORS

29. CHAIR

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

30. INTRODUCTIONS**31. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal or prejudicial interests in the business on the agenda.

Councillor Wiseman declared a personal non-prejudicial interest as she is a member of the same Golf Club as the representor Mr. Smart.

32. THE DETERMINATION OF AN APPLICATION BY OZGUR AKGUL TO VARY A PREMISES LICENCE[SECTION 35(3)(A) IN RESPECT OF LUCIA WINE BAR, 13 SWINEGATE COURT, YORK, YO1 8AJ. CYC-009246

Members considered an application by Ozgur Akgul for the variation of a premises licence in respect of Lucia Wine Bar, 13 Swinegate Court, 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 following were taken into account:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the 4 licensing objectives.
2. The Licensing Officer's report and his comments made at the hearing. He advised that there had been a restaurant on the site for a number of years and the premises is in an area of food led establishments. The application had been made for an increase in hours for late night refreshment and the sale of alcohol to midnight

on weekdays and 01:30 on weekends. The style of operation at the premises would not be changing.

3. The applicants representations at the hearing, including the fact that there would be no intention of changing the venue into a drinking establishment and that after trading for one year, the applicant would like to expand the business. He advised that the changes would not increase noise nuisance in the area and the capacity would only be increased by 12 patrons.
4. The representations made by a local resident both in writing and at the hearing. Issues were raised regarding the level of noise in the area late at night and the potential for noise levels to increase from the outdoor courtyard at the premises.

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.

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.

Members chose Option 2 and added the following additional conditions:

- 1) 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 the recordings will be kept available for any Responsible Authority for 28 days.
- 2) The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo.
- 3) All drinking glasses, subject to availability, will be strengthened glass (tempered glassware) in a design whereby in the event of breakage, the glass will fragment and no sharp edges are left.
- 4) Drinking glasses of any type shall not be allowed to enter or leave the premises while under the customers care.
- 5) Documented staff training will be given regarding the retail of alcohol and such records kept accordingly.

- 6) When the venue is due to operate beyond 24:00 hours, an adequate number of Door Supervisors shall be provided at the venue from 23:00 hours until the venue has closed for business on Friday and Saturday evenings; the evenings preceding a bank holiday and on any day when York race meetings are held (except the first May meeting and the Sunday meeting in September).
- 7) 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.
- 8) A Refusals register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people as well as incidents of any antisocial behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any responsible authority.
- 9) 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.
- 10) The premises shall participate in the York Pubwatch Pager scheme.
- 11) Substantial food shall be available until 22:00.
- 12) A capacity of 80 persons shall be imposed so as not to undermine the Licensing Objective "Prevention of Crime and Disorder".
- 13) There shall be no more than 42 patrons allowed inside the venue and no more than 30 persons allowed in the outside drinking area of the venue.
- 14) The outside of the premises (not covered by the raised flooring area i.e the courtyard) shall be bordered at all times when open by robust semi-permanent barriers showing clear demarcation of the premises footprint (as highlighted on the plan submitted).
- 15) No live music to be played outside the building.
- 16) Recorded music played outside the building shall be restricted to a background level.
- 17) Seating must be provided for all customers at all times.
- 18) Contact details for the Manager shall be provided to residents in the vicinity.

Mandatory condition 21 shall apply.

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

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].