

---

MEETING	LICENSING HEARING
DATE	17 MAY 2010
PRESENT	COUNCILLORS HYMAN, REID AND RUNCIMAN

---

**66. CHAIR**

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

**67. INTRODUCTIONS****68. DECLARATIONS OF INTEREST**

At this point in the meeting Members were asked to declare any personal or prejudicial interests they might have in the business on the agenda. None were declared.

**69. THE DETERMINATION OF AN APPLICATION BY MR. TAHSIN KAYA FOR THE VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF EFE'S KEBAB KITCHEN, ST. SAMPSON'S SQUARE, YORK. (CYC-010849)**

Members considered an application by Mr Tahsin Kaya for the variation of a premises licence, in respect of Efe's Kebab Kitchen, St Sampson's Square, 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 additional steps that would 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;
  - That the application was to extend the licence to 05:00 every day.
  - The premises had been under the current ownership since 2002.

- That it was situated in an area covered by City of York Council CCTV.
  - That the applicant had agreed to a police condition to install CCTV premises.
  - That full public consultation had been carried out correctly,
3. Representations made by the applicant at the hearing, which included; their wish to extend their operating hours mainly on Friday and Saturday nights to catch late night trade in the area, their advice to customers and passers by to make sure that they were quiet in the immediate vicinity of the premises, and that they did not know that a premises licence did not include permission to play music.
  4. Representations made by a local resident in writing and at the hearing that; the local resident had been to the premises on numerous occasions to ask the for the music being played to be turned down, and that disorder had been seen at the premises.
  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.
- 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 deleted the existing licence conditions 4 and 8 and replaced them with the agreed police conditions. They then imposed the following modified/additional conditions:

1. The extension applied for shall be granted on Friday and Saturday nights only and condition 9 of the existing licence shall not be removed.
2. CCTV will be installed within 28 days, to cover the premises and will include the area to where the public congregate to purchase food. It will be maintained, working and recording at all times when the premises are open. The recordings should 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 7 days.
3. Upon closing the premises at the conclusion of business, staff will undertake a general litter pick and tidy of the general area of the premises.

4. On a Friday and Saturday evening, a minimum of two members of staff shall be employed at all times the venue is open for business.

Informative- The Licensing Manager will inform the applicant on any training available on dealing with difficult customers.

Note to applicant- That Planning consent is separately required before the premises can utilise the agreed hours and the licence can be called in for review at any time.

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

REASON: To address the representations made.

Councillor Reid, Chair

[The meeting started at 10.00 am and finished at 10.55 am].