
MEETING	LICENSING/GAMBLING HEARING
DATE	6 SEPTEMBER 2010
PRESENT	COUNCILLORS MERRETT, MOORE AND WISEMAN
IN ATTENDANCE	COUNCILLOR B WATSON

27. CHAIR

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

28. INTRODUCTIONS**29. DECLARATIONS OF INTEREST**

At this point in the meeting Members were invited to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Merrett declared a personal non prejudicial interest in the application, as he had frequented the café owned by a representor.

Councillor Wiseman also declared a personal non prejudicial interest in the application, as her children had attended the same school as two of the representors' children.

Councillors Moore and B Watson declared personal non prejudicial interests in the application as the representors were known to them.

30. THE DETERMINATION OF AN APPLICATION BY MRS. JANICE ROBINSON FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 1331, 13 GRAPE LANE, YORK, YO1 7HU. (CYC-017239)

Members considered an application by Mrs Janice Robinson for a Premises Licence in respect of 1331, 13 Grape Lane, York.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and licensing objectives- The Prevention of Public Nuisance and The Prevention of Crime and Disorder. The following were taken into account:

1. The application form.

2. The Licensing Officer's report and his comments made at the Hearing. He advised that the premises already had a licence and the new licence application had been made due to the significant changes to the licensed area and extension of hours for licensable activities. Consultation had been carried out correctly and the applicant had agreed to a number of conditions with North Yorkshire Police and City of York Council's Environmental Protection Unit.
3. Representations made by the applicant at the hearing including the fact that they had been trading from the premises for a number of years, and due to the popularity of weddings had now applied for a licence to enable them to expand the business. The applicant advised that they wanted to be a responsible neighbour and had not been made aware of some of the issues raised by the representors at the hearing.
4. Representations made by local residents in writing and at the hearing. The Sub-Committee considered the representations to be relevant to the licensing objectives as concerns were raised regarding the potential for further public nuisance and crime and disorder in the area if the new licence were to be granted in the terms applied for.
5. The representations made by Councillor Brian Watson at the hearing on behalf of a local resident. He advised that the area was residential and occupants of nearby houses should not have been subjected to excessive noise later into the night.

Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available for them to take under Section 35 (4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives.

Members were presented with the following options:

- Option 1: Grant the licence in the terms applied for and including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.
- Option 3: Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.
- Option 4: Reject the application.

Members chose to modify the conditions of the licence (Option 2).

Members with the agreement of the applicant, amended the hours applied for all activities to end by 01:30.

The following conditions were added to the licence:

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 should be of sufficient quality to be produced at Court or other such Hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of a request.
2. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
3. Standard one-pint capacity, half pint capacity and "highball" tumbler drinking glasses will be of 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 containers of any type shall not be allowed to enter or leave the premises whilst under the customer's care.
5. All off sales shall be made in sealed containers and made only to patrons of the premises.
6. Documented staff training will be given regarding the retail sale of alcohol and such records kept for at least one year.
7. An adequate number of Door Supervisors will be provided from 21:00 hours until the close of business on the following evenings:- i) Thursday, Friday and Saturday evenings, ii) the evening before a bank holiday, iii) York race days (except for the Sunday family meeting in September).
8. 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.
9. A Refusals Register and Incident Report Register will be kept. Such documents will record 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 and will be kept for at least one year.

10. Staff shall encourage patrons to leave the premises and area quietly and to respect the needs of local residents. This will be reinforced by prominent and clear notices displayed at all exits requesting this of patrons and staff.
11. The venue shall partake in the York Pubwatch pager system.
12. The external courtyard area shall be cleared and cleaned and not used after 23:00 hours save for patrons using the area to smoke (where legally allowed). Patrons shall not consume alcohol in the external courtyard after 23:00 hours.
13. On the second floor of the premises alcohol shall only be served ancillary to a meal or at a pre-booked function.
14. The only exception to the above condition shall be the cinema which shall be used as follows: - i) patrons shall remain seated whilst consuming alcohol, ii) alcohol shall only be served by way of table service, iii) there shall be no more than 30 patrons allowed in the cinema area.
15. In the first floor ceremony room alcohol shall only be served as ancillary to a meal or at a pre-booked function.
16. For avoidance of doubt, a pre-booked function is one where there is at least 48 hours between the event being booked and commencement of the event.
17. All windows and doors shall be kept closed, except for access and egress whilst licensable activities are taking place.
18. Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby premises.
19. No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used in or adjacent to, any part of the building at anytime for the purpose of external use.
20. All extractor fans and air conditioning units shall be maintained, repaired and/or replaced as necessary.
21. The premises shall be vacated by all persons including staff, within one hour of closure.
22. Urgent telephone details for the Duty Manager shall be prominently displayed in the premises and provided to residents who made representations.

Mandatory conditions 19, 21 and 22 shall apply.

RESOLVED: That, in line with Option 2, the conditions of the licence be modified.

REASON: To address the representations made.

Cllr Merrett, Chair

[The meeting started at 11.00 am and finished at 2.50 pm].