

MEETING	LICENSING HEARING
DATE	14 JULY 2011
PRESENT	COUNCILLORS BOYCE, RICHARDSON AND WISEMAN

5. CHAIR

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

6. DECLARATIONS OF INTEREST

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

7. THE DETERMINATION OF AN APPLICATION BY SLOPINGTASTIC LIMITED FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF THE LAMB & LION INN, 2-4 HIGH PETERGATE, YORK, YO1 7EH. (CYC-018449)

Members considered an application by Slopingtastic Ltd for a premises licence in respect of The Lamb and Lion, Petergate, 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 objective public nuisance. The following were taken into account:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She advised that the application was for a new grant although the premises had been operating under a previous licence. The police had agreed some conditions with the applicant and there had been no objections from Planning or Environmental Protection.

3. The applicants Solicitors representations at the hearing including that the applicant had taken over the premises in December 2010 and since then, no complaints had been received regarding noise. It was advised that the applicant is fully aware of his responsibility to his neighbours whilst trying to balance the economic needs of the business and the needs of his customers.
4. The representations made by the Solicitor for the Dean and Chapter of York Minster in respect of 9 Precentors Court. She advised that the main concern of her clients is the proximity of the Lamb and Lion beer garden to the rear wall of 9 Precentors Court and the fact that the first floor of the property is level with the beer garden.
5. The representations made in writing by local residents.

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 imposed by the licensing committee.
- 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 conditions to the licence:

- (i) CCTV will be installed to cover the premises and will include all areas (including outside areas) to where the public have access to consume alcohol. 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 28 days and will be made available to any Responsible Authority within 48 hours of request.

- (ii) Copies of the recordings will display the correct time and date of the recording.
- (iii) 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)
- (iv) All off-sales shall be made in sealed containers (save for those sales specifically for consumption in any outside drinking areas attached to the premises).
- (v) 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.
- (vi) The planting and/or potting of shrubs and or the erection of a trellis and climbing plants to provide screening along the boundary wall between the premises and the rear garden of 9 Precentors Court, between the points marked A and B, indicated on the attached Plan 1, the said shrubs/climbing plants and trellis2 to be not less than 5ft in height.

Mandatory condition 19 shall apply.

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

REASON: To address the representations made.

Councillor Boyce, Chair
[The meeting started at 10.00 am and finished at 11.15 am].