
MEETING	LICENSING HEARING
DATE	1 MARCH 2012
PRESENT	COUNCILLORS GILLIES, LOOKER AND MERRETT

47. CHAIR

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

48. INTRODUCTIONS

49. DECLARATIONS OF INTEREST

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

50. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 15 December 2011 and 19 January 2012 be approved and signed by the Chair as a correct record.

51. THE DETERMINATION OF AN APPLICATION BY ALI GUMUSLER FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 4 GERARD AVENUE, BURNHOLME, YORK. (CYC-019853).

Members considered an application by Mr. A Gumusler for a premises licence in respect of 4 Gerard Avenue, Burnholme, 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.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence relating to a proposed convenience store at 4 Gerard Avenue. A plan showing a number of stores in the area that sell alcohol as off sales was tabled. A number of conditions had been agreed with North Yorkshire Police and consultation had been carried out correctly.
3. The representations made at the hearing on behalf of Mr Gumusler by a Licensing Consultant. Members were advised that Mr Gumusler successfully runs other licensed premises in York alongside his business partner. Following discussions with North Yorkshire Police it had been agreed that CCTV would be installed to cover the front of the premises and the alleyway to the side. Mr. Gumusler also offered to operate a challenge 25 policy and to make a telephone number available to local residents in case of any problems at the premises.
4. The representations made at the hearing by local residents who raised concerns about the potential for an increase in nuisance and anti social behaviour in a primarily residential area. They also they drew attention to problems that already existed in the area.
5. Written representations made by local residents during the consultation period.

In coming to their decision, the sub-committee were presented with the following 4 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 imposed the following conditions as agreed with North Yorkshire Police and the applicant:

- i. CCTV will be installed to cover the premises and will include all areas to where the public have access.
- ii. It will be maintained, working and recording at all times when the premises are open.
- iii. The recordings should be of sufficient quality to be produced in Court or other such Hearing.
- iv. 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.
- v. Copies of the recordings will display the correct time and date of the recording.
- vi. All off-sales shall be made in sealed containers.
- vii. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and operating times of the venue.
- viii. Such records (re condition vii) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
- ix. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises.
- x. Both documents (referred to in condition ix) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.

- xi. 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.
- xii. A challenge 25 age verification policy shall be applied whereby staff will ask those customers who look 25 years or younger to produce identification proving they are aged 18 or over when purchasing alcohol.
- xiii. The current mobile telephone number for the licence holder will be displayed in the shop window at all times and be made available upon request.

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

REASON: To address the representations made.

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