

MEETING	LICENSING HEARING
DATE	20 AUGUST 2012
PRESENT	COUNCILLORS BOYCE, GILLIES AND GUNNELL

18. CHAIR

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

19. INTRODUCTIONS

20. DECLARATIONS OF INTEREST

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

Councillor Gillies declared a personal interest as he had sat on the planning committee that considered a related planning application.

Councillor Gunnell declared a personal interest as she had sat on the planning committee that considered a related planning application.

21. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 28 May 2012 and 7th June 2012 be approved and signed by the Chair as a correct record.

22. THE DETERMINATION OF AN APPLICATION BY BORA AKGUL TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF BORA BORA, 5 SWINEGATE COURT EAST. YORK, YO1 8AJ (CYC-?017001

Members considered an application by Bora Akgul to vary a premises licence in respect of Bora Bora, 5 Swinegate Court East, 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 licence application form.
2. The Licensing Officers report and her comments made at the hearing. She advised that the application was to vary the hours of operation for and to add new licensable activities to the licence. The application also requested the removal of a number of conditions. The premises are located outside of the Special Policy Area. A condition relating to capacity had been agreed with North Yorkshire Police prior to the hearing.
3. The applicants representations made at the hearing. He advised that he had operated the premises since April 2011 and had managed it to the best of his ability. There is no intention for the business to become a vertical drinking establishment. In response to concerns about noise by the representors, he advised that he had withdrawn the request for outdoor music.
4. The representations made by the Council's Environmental Protection Unit who advised that they would prefer no background music outdoors and that the door to the bar area could be kept open between 11am and 8pm providing music indoors was background level. It was suggested that an inaudibility condition should be included should the application be approved.

5. The representations made at the hearing by a local residents who raised concerns about increasing noise levels in the area. They also raised concerns about anti social behaviour and the general impact of the high number of licensed premises in the area.
6. Written representations made by local residents 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 imposed by the licensing committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application related and modify/add conditions accordingly.
- Option 4 Refuse the application.

Members chose Option 2 and added the following conditions and informative:

1. There shall be a maximum capacity of 80 customers for the whole licensed area.
2. Noise and vibration from the premises shall be inaudible at nearby resident's properties.

The Sub Committee also decided that while Conditions 9 and 10 could be removed from the licence, condition 26 should remain.

Informative – The Sub-Committee asked that the Environmental Protection Unit monitor the area.

All relevant mandatory conditions shall continue to apply.

Councillor Boyce, Chair
[The meeting started at 11.00 am and finished at 1.20 pm].