
MEETING	LICENSING/GAMBLING HEARING
DATE	22 APRIL 2013
PRESENT	COUNCILLORS BOYCE, GUNNELL AND HORTON

43. ELECTION OF CHAIR

RESOLVED: That Councillor Boyce be elected as Chair.

44. DECLARATIONS OF INTEREST

At this point in the meeting, Members were invited to declare any personal, prejudicial or pecuniary interests. None were declared.

45. THE DETERMINATION OF AN APPLICATION BY HASAN KOMUR FOR A PREMISES LICENCE SECTION 18 (3)(A) IN RESPECT OF 78 TADCASTER ROAD, YORK, YO24 1LR. (CYC-021727)

Members considered an application by Hasan Komur for a premises licence in respect of 78 Tadcaster Road.

In coming to their decision, Members 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 Officer's report and her comments made at the meeting. She advised the application was to grant a premises licence for the sale of alcohol from 7 am to 11 pm seven days a week. Members were informed that the premises were located outside of the Special Policy Area. A number of conditions had been agreed between the applicant and North Yorkshire Police prior to the hearing.

3. Representations made by the applicant's agent. She clarified that the business would run as a general store and off-licence, as bread and milk would be sold alongside alcohol. It would operate from 7 am to 11pm, seven days a week. Regarding parking concerns, as Tadcaster Road was a main road, parking to use the shop would not lead an increase in existing noise in the area. Due to its nature as an off-licence, customers would not choose to remain in the surrounding area once they had purchased goods from the shop. There were also rubbish bins situated on the main road by the shop, so additional litter would not be created. The applicant confirmed that if Anti Social Behaviour occurred that he would take all steps to prevent this, he would keep a log book to record incidents and would liaise with the Police over such occurrences. Finally, it was noted that the applicant would manage the shop and train two staff to work there.

The Sub Committee 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** to grant the licence and to accept the following conditions from North Yorkshire Police to attach to the licence:

1. CCTV will be installed to cover the premises and will include all areas to where public have access.
2. It will be maintained, working and recording at all times when the premises are open.
3. The recordings should be of sufficient quality to be produced in a Court or other such hearing.

4. 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.
5. Copies of the recordings will display the correct time and date of the recording.
6. All OFF SALES shall be made in sealed containers.
7. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
8. Such records (referred to in Condition 7) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
9. Prominent clear and legible notices shall be displayed at all exits and requesting the public to respect the needs of local residents and to leave the premises quietly.
10. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.

All relevant mandatory conditions shall continue to apply.

Reasons for the decision:

The Sub-Committee considered carefully the application for a premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy, Human Rights legislation and representations, both written and given orally.

Having heard evidence from the Applicant as to how he proposes to operate the business and address the licensing objectives, and noting his agreement to all the conditions proposed by North Yorkshire Police, the Sub-Committee was satisfied that the grant of the licence would not undermine the licensing objectives. The Sub-Committee considered the fact that the Police did not object to the application, subject to conditions, and that none of the other Responsible Authorities had made representations and that they had not received any evidence to show that granting the licence would cause any problems relating to the licensing objectives.

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor B Boyce, Chair
[The meeting started at 10.05 am and finished at 11.00 am].