

Meeting	Licensing Hearing
Date	12 May 2014
Present	Councillors Boyce, Gillies and McIlveen

85. Chair

Resolved: That councillor Boyce be elected as Chair of the meeting.

86. Introductions**87. Declarations of Interest**

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

88. Minutes

Resolved: That the minutes of the Licensing Hearing held on 3rd April be approved and signed by the Chair as a correct record.

89. The Determination of an Application by Mr. Arumugam Kalamohan for a Premises Licence Section 18(3)(a) in respect of Local News, 76 Goodramgate, York, YO1 7LF. (CYC-023162)

Members considered an application by Mr Arumugam Kalamohan for a premises licence in respect of 76 Goodramgate, York.

In coming to their decision, Members took into consideration all of the evidence and the 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, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for a premises licence for 76 Goodramgate, York. The premises had been operating as a newsagent/convenience store for 12 years. At the time the application was made the premises was not located within the special policy zone, but following an extension to the zone and the Council's new licensing policy being adopted in March, the premises was now within the special policy area. Consultation had been carried out successfully.
3. The comments made by the applicants representative at the hearing. He advised that the operating schedule included with the application had been replaced with a more comprehensive version which had been submitted at the beginning of the hearing. In relation to alcohol sales it was envisaged that they would make up only a small percentage sales but alcohol was required to enable the business to remain competitive. The applicant was willing to accept any additional conditions as necessary to promote the licensing objectives.
4. The representations made in writing and at the hearing by North Yorkshire Police. They raised concerns about the number of licensed premises in the area, in particular the number of off-licences and the potential for the addition of this licence to add to the existing problems of crime and disorder. The police did not consider that the new operating schedule submitted by the applicant was sufficient to show that the introduction of a further off-licence would not have a negative cumulative impact within the Special Policy Area and address the issues of crime and disorder in the area.

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 1 and rejected the application.

REASON FOR THE DECISION:

The Sub-Committee concluded that the application was unacceptable as it did not address the representations made both in writing and at the hearing, and did not meet all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee were mindful of the fact that the premises were located in an area to which a Special Policy of Cumulative Impact applies, creating a rebuttable presumption against the granting of new licences to sell alcohol in that area. They also took account of the concerns of the Police relating to the possible impact which a licence would have on the prevention of crime and disorder in the area.

Having regard to the submissions made on behalf of the applicant, and the representations made by the Police regarding the revised operating schedule submitted at the hearing the Sub-Committee were not satisfied that the operation of the premises involved would not add to the cumulative impact already experienced within the Special Policy Area, and therefore the application failed to promote the licensing objective of the prevention of crime and disorder.

The Sub-Committee therefore agreed to reject the application and reminded the applicant of the necessity of upholding all of the licensing objectives.

Resolved: That in line with Option 1 the application be rejected.

Reason: To address the representations made by North Yorkshire Police.

Councillor Boyce, Chair
[The meeting started at 10.00 am and finished at 11.20 am].