

Meeting	Licensing Hearing
Date	23 June 2014
Present	Councillors Boyce, Crisp and Horton

6. Chair

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

7. Introductions

8. 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.

9. Minutes

Resolved: That the minutes of the Licensing Hearing held on 15th May 2014 be approved and signed by the Chair as a correct record.

10. The Determination of an Application by Mr. Barbaros Ayata to Vary a Premises Licence Section 35(3)(a) in respect of Jorvik Cafe, Units 4 & 5, Stonebow House, Stonebow, York, YO1 7NP. (CYC-013040)

Members considered an application to vary a premises licence in respect of Jorvik Café, Units 4&5, Stonebow House, 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 Manager's report and her comments made at the Hearing. She advised that the application was to vary the existing licence to extend the opening hours, provide regulated entertainment consisting of live and recorded music and performance of dance. The application was also seeking the removal of a condition which would remove the requirement for the retail sale of alcohol to be ancillary to the provision of food. The premises are not located within the special policy zone. Conditions had been agreed with North Yorkshire Police and the Council's Environmental Protection Unit. Consultation had been carried out correctly.

3. The representations made at the hearing by the applicants Solicitor. He advised that the applicant had made the application in order to develop the business which was in need of refurbishment. 31 additional licence conditions had been agreed to in conjunction with the Police and the Council's EPU. It was not intended that the premises would be run as a nightclub, but would be a restaurant and bar, with food being served up to 11pm and a snack menu until 2am. In relation to noise in the area, a taxi rank to the rear of the premises and two live music venues nearby meant that there was already noise in the area, but the applicant had agreed to stop serving alcohol at 2am to avoid a clash of dispersal times with the other venues. It was confirmed that the exit to the rear of the premises would only be used in case of an emergency.

4. The representations made in writing by two local residents who raised concerns about noise and anti-social behaviour in the St. Saviourgate area late at night.

In coming to their decision the Sub-Committee considered the following options:

- Option 1 Grant the licence variation in the terms applied for.
- Option 2 Grant the licence variation with modified/additional conditions imposed by the Sub-Committee.

Option 3 Grant the licence variation to exclude any of the licensable activities to which the application relates.

Option 4 Reject the application.

Members chose Option 2 and agreed to grant the licence with the following additional conditions:

The following conditions as agreed with North Yorkshire Police:

1. Digital colour CCTV will be installed to cover the premises and will include all areas to where the public have access to consume alcohol and where licensable activities are undertaken.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings shall be of an evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings will display the correct time and date of the recording.
6. A member of staff trained to use the CCTV system shall be on duty at all times so as to ensure the recorded images are made available for inspection and downloading immediately upon request to any responsible authority.
7. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
8. Clear notices shall be prominently displayed requesting customers to leave the premises and area in a quiet and orderly manner.
9. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.

10. Drinking vessels of any type shall not be allowed to enter or leave the premises whilst under the customers care.
11. 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.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from premises.
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
15. The venue shall partake in the York Night-time economy radio system.
16. All off-sales shall be in sealed containers.
17. The footprint of the outside area shall be clearly marked at all times (when in use) by semi-permanent barrier, screen or similar (such as a plant screen).
18. There will be no vertical drinking in the external seating area; for the purpose of clarity customers shall remain seated whilst consuming alcohol in that area.
19. *This condition was amended by the Sub-Committee with the agreement of the applicant*– The rear entrance of the venue (onto St. Saviourgate) shall not be used as a means of entry or egress (save for the use as a fire exit in an emergency).
20. Any queuing in to the premises shall be managed by staff to ensure that the queue stays close to the building line and goes away from the premises along the pedestrian ramp (accessed from Stonebow) towards the city centre.

21. So as to afford proper supervision of customers there shall be a member of staff deployed in the basement of the venue whenever there are customers consuming alcohol or when licensable activities are undertaken.
22. An adequate number of Door Supervisors (at least two) shall be provided at the venue from 2100hrs on the following occasions:
 - i. Every Friday and Saturday evening
 - ii. The evening before a Bank Holiday
 - iii. The evening of race meetings held at York Racecourse (save for the family meeting in September and the first meeting held in May).
23. An adequate number of Door Supervisors (at least two) shall be provided at the venue from 2300hrs on all other occasions.

The following conditions as agreed by the Councils Environmental Protection Unit:

24. All doors and windows shall be closed during regulated entertainment or, when regulated entertainment is not provided after 2300 hours each night (except for ingress and egress).
25. Clear signage shall be displayed requesting that customers respect local residents and to leave the premises quietly.
26. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints.
27. Bottle bins are only to be emptied between the hours of 9am and 10pm Monday to Sunday.

28. The outside drinking/eating area shall not be used for any licensable activities or the consumption of alcohol after 2300 hours until the close of business.
29. Noise originating from within the premises shall be inaudible at noise sensitive properties.

The Sub-Committee also amended the following timings, with the agreement of the applicant:

The supply of alcohol shall take place between 11:00am and 02:00 Monday to Sunday.

Late night refreshment shall take place between 23:00 and 02:00 Monday to Sunday.

All Mandatory Conditions shall apply.

REASON FOR THE DECISION:

The Sub-Committee resolved that the application for a variation be granted based on the evidence given by the applicant's representative at the hearing. The application was satisfactory to North Yorkshire Police and the Council's Environmental Protection Unit with additional conditions to promote the licensing objectives.

Having regard to the submissions made on behalf of the applicant, the Sub-Committee were satisfied that the operation of the premises with the additional conditions would promote the licensing objectives.

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

Resolved: That the licence variation be approved in line with Option 2.

Reason: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.15 am].