

Minutes

Licensing Hearing

Venue:	Council Chamber
Date:	28 April 2014
Present:	Councillors R Sayner (Chair), R Sweeting and Mrs P Mackay.
Apologies for Absence:	None
Officers Present:	Caroline Fleming – Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer
Public:	0

PRESENT:

PREMISES

Bugg's Bites:

Stacey Bugg
Chris Bugg

RESPONSIBLE AUTHORITIES

North Yorkshire Police:

- Sergeant Matt France – North Yorkshire Police
- PC Jackie Allen – North Yorkshire Police

Selby Town Council:

- Karen Mann – Clerk
- Councillor Melanie Davis

INTRODUCTIONS

Members and everyone present introduced themselves.

20. DISCLOSURES OF INTEREST

There were no disclosures of interest.

21. PROCEDURE

The Senior Solicitor circulated and summarised the amended procedure. It was explained that as per the regulations, there would be no cross examination. There were no objections to the procedure.

21. APPLICATION FOR A PREMISES LICENCE FOR A MOBILE UNIT IN JAMES STREET, SELBY AT THE JUNCTION WITH GOWTHORPE

The Sub-Committee considered the application to grant a premises licence for a mobile unit to be situated in James Street at the junction with Gowthorpe, Selby. The applicant had requested that the licence be granted for the provision of late night refreshment from Thursday to Saturday (inclusive) and Bank Holidays between 23:00 – 04:00. The hearing had been necessitated by representations from the Police and Selby Town Council.

Due to an amended plan being circulated by the applicant, the Police requested an adjournment of the meeting to visit the application site and verify the measurements submitted by the applicant. The Chair agreed to the adjournment. The meeting reconvened at 1:36pm.

The Sub Committee noted the position of the mobile unit as indicated on the plan that was provided at the hearing.

The Senior Enforcement Officer presented the report and outlined the details of the application.

Mr Bugg explained to the Sub Committee that he employed staff at the premises whose jobs would be affected if the licence was not granted. He also explained that he had not been aware that a licence had been required for the site and had been trading on the site for around five months without any incidents or problems.

Sergeant France stated that the Police were objecting to the application on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance objectives. He raised concern that the location of the application would make it difficult for other vehicles to pass on the road. Sergeant France stated that the application was in contravention of regulation 101 of The Road Vehicles (Construction and Use) Regulations 1986 and therefore an offence under the Road Traffic Act 1988 section 42.

Further concern was raised that the site was out of sight of the town's CCTV cameras and as a result any incidents would not be captured.

Sergeant France also raised concern over littering and noise. The Senior Enforcement Officer stated that he understood that the camera could cover the area unless it had been changed.

The Town Council representations were concerned with possible problems relating to the prevention of crime and disorder, public safety and prevention of nuisance licensing objectives. Concern was raised that the siting of the unit would cause a risk to pedestrians near the taxi rank and a risk to vehicles and people from Gowthorpe, there would be additional litter detrimental to the street scene and that the premises are in the wrong location

All parties left the room while the Sub Committee made their decision. In arriving at the decision the Sub Committee considered written and oral representations as well as the operating schedule, the Council's Licensing Policy and the Licensing Act 2003 and guidance.

RESOLVED:

- i) **To REFUSE the application for a premises licence for a mobile unit.**

REASONS FOR DECISION:

- **The siting of the premises was in contravention of regulation 101 of The Road Vehicles (Construction and Use) Regulations 1986 and therefore an offence under the Road Traffic Act 1988 section 42 and as the Sub Committee were bound to promote the licensing objectives it was inappropriate to grant the premises licence.**

The parties were informed of the decision and the right of appeal.

The meeting closed at 3.30pm.