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MEETING	LICENSING HEARING
DATE	24 JANUARY 2012
PRESENT	COUNCILLORS GILLIES, HYMAN AND WISEMAN

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**39. CHAIR**

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

**40. INTRODUCTIONS****41. DECLARATIONS OF INTEREST**

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

**42. THE DETERMINATION OF AN APPLICATION BY CITY OF YORK COUNCIL, COMMUNITIES AND CULTURE SECTION 35(3)(A) TO VARY A PREMISES LICENCE IN RESPECT OF EYE OF YORK AND TOWER GARDENS. (CYC- 010978)**

Members considered an application by City of York Council Communities and Culture to Vary a Premises Licence in respect of Eye of York and Tower Gardens, 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 application form.
2. The Licensing Officers report and her comments made at the hearing. She advised the application was to vary an existing licence to extend the licensed area to include a paved area and moorings in Tower Gardens and the

roads around the Eye of York. A number of conditions would be removed or replaced.

3. The applicants representations made at the hearing. He advised that the application had been made as part of a city wide update and refreshment of existing park licences to ensure that there is a high level of control over events.
4. The representations made by local residents in writing and at the hearing. They raised concerns regarding extending the area of use in Tower Gardens and the amount of events that would take place. They also asked that officers take into account the close proximity of residents to the gardens and schedule only suitable events.
5. The Ward Councillor's comments. He was in attendance in support of the residents. He queried the licensing of the moorings and the number of events that would take place.
6. Written representations made during the consultation period.

The Sub-Committee was 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.

The Sub-Committee chose Option 2 and decided to grant the licence with the following modified/additional conditions:

1. There shall be a maximum of 30 days activity per calendar year, of which a maximum of 14 days activity shall take place on Tower Gardens.

2. Alcohol will not be allowed to be transferred between the individual licensed areas as covered by the premises licence.

All mandatory conditions shall apply

RESOLVED: That in line with option 2 the licence be granted.

REASON: To address the representations made.

Councillor Gillies, Chair

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