
Meeting	Licensing Hearing
Date	7 April 2015
Present	Councillors Aspden, Boyce and Watt

48. Chair

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

49. Introductions**50. 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.

51. Minutes

Resolved: That the minutes of the Licensing Hearing held on the 15th January 2015 be approved and signed by the Chair as a correct record.

52. The Determination of an Application by City of York Council for a Licence Variation Section 35(3)(a) in respect of Footstreet Area of City of York including Exhibition Square. (CYC-010893)

Members considered an application by City of York Council to vary a premises licence in respect of the Footstreet Area of York including Exhibition Square.

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.
2. The Licensing Officer's report and her comments made at the Hearing. She advised that the application was to vary the existing licence to extend the terminal hour for all licensable activities. Representations from CYC Licensing Authority and CYC Public Protection Units had been withdrawn upon the applicant agreeing to certain conditions being attached to the licence if granted. No representations had been received from the other responsible authorities. Consultation had been carried out correctly.
3. The representations made by an Officer from the Council's Events department at the hearing. He advised that the application had been made to cover the whole of the existing licensed area following advice from the Licensing Department but following discussions with the Council's Environmental Protection Unit and Ward Member, it was considered practical to limit the extension of hours and licensable activities to Parliament Street and St Samson's Square only. It was also acceptable to limit the extension to just the duration of the Yorkshire Fringe Festival and Fridays, Saturdays and Sundays preceding a Bank Holiday. As such the application was amended at the hearing to reflect these suggested changes.
4. The representations made in writing and at the hearing by the Ward Councillor. He raised concerns about noise in the city centre streets late at night, particularly as there has been an increase in the number of residential properties in the city centre in recent years. The amendments to the application went some way to alleviate his concerns but he suggested limiting the number of days per year that the extension of hours could be used.
5. The representations made in writing and at the hearing by two local residents. One of these raised concerns about alleged procedural irregularities, including in relation to the consultation process as it was felt that every street included in the application area should have been detailed on the site notice to enable the public to clearly see the affected footstreets. The Licensing Manager confirmed the site notice had been completed and displayed correctly. Concerns were also raised that in outside areas, sound attenuation could not be achieved by the Environmental

Protection Unit's suggested conditions. Councillor Looker was in attendance on behalf of one of the local residents and advised that other concerns included the impact of further availability of alcohol in an area which is already a Cumulative Impact Zone and the blanket nature of the application initially.

Members were presented with the following options:

- Option 1 Grant the licence variation in the terms applied for.
- Option 2 Grant the licence variation with modified/additional conditions.
- Option 3 Grant the licence variation to which the application relates and modify/add conditions to include any applicable mandatory conditions of the Licensing Act 2003 as amended.
- Option 4 Reject the application.

In coming to their decision the Sub Committee chose Option 2 and granted the variation with modified/additional conditions as follows:

1. The York Safety Advisory Group will be presented with the full risk assessment, Public Liability Certification and Safety Certification where the expected attendance is above 499 people and/or significant demountable structures or road closures are proposed no later than 28 days before the event.

Condition 2 as amended by the Sub-Committee:

2. In Parliament Street and St. Samsons Square, for the duration of the Yorkshire Fringe Festival and on other Fridays, Saturdays and Sundays preceding a Bank Holiday, timings for all licensable activities shall be as shown in the second column of the table below. For all other Footstreets timings for all licensable activities shall remain as on the current licence, as shown in the third column in the table below.

Licensable Activities	Parliament Street and St. Samsons Square for duration of Fringe Festival, and on other	All other Footstreets

	Fridays, Saturdays and Sundays Preceding a Bank Holiday.	
Plays	Monday to Sunday 09:00 – 23:00	Monday to Sunday 09:00 – 20:00
Films, Live Music, Recorded Music and Performance of Dance	Monday to Saturday 09:00 - 23:00 Sunday 12:00 -23:00	Monday to Saturday 09:00 – 21:00 Sunday 12:00 – 21:00
Supply of Alcohol	Monday to Sunday 10:00 – 23:00	Monday to Sunday 09:00 – 21:00
Opening Hours	24 Hours	24 Hours

3. Event organisers as named in the Event Hire Document shall submit a completed copy of the Event Information Questionnaire extracted from the Council's Code of Practice and Guidance Notes on Control of Noise for Concerts and Outdoor Events, together with a detailed plan showing exact layout of the site and proposed sound monitoring locations, at least 28 days before the event. A copy shall be sent to Public Protection and also the Licensing Unit. The notification shall include a sample of the leaflet to be sent to comply with the condition below and which addresses will receive the leaflet.

4. Prior to an event, noise sensitive premises in close proximity shall be leafleted about the event. Information shall include details of the performance times and any sound checks taking place and a contact telephone number of the Named Event Organiser and a CYC representative. In the event of a complaint regarding sound levels, the Named Event Organiser will make an assessment of no less than 5 minutes in close proximity to the complainants address. If the sound level is within category C or D of the sound monitoring log guidance, the specified action shall be taken and the requirements of the Named Event Manager to mitigate be carried out immediately. The Named Event Organiser will contact the complainant and check that they are satisfied with the

steps taken. If the complaint cannot be resolved on site the City of York Council Complaints Procedure, as outlined at www.york.gov.uk will be instigated.

5. The Events Organiser shall appoint a member of their event team as “Sound Monitor”. The Sound Monitor will undertake a documented sound check prior to or at the start of the event to ensure that the sound levels are within category A or B as defined in “Sound Monitoring Log for Events on CYC land”. During the event, the Sound Monitor shall carry out documented patrols at least once per hour or for each separate act taking place whichever is the more frequent. The monitoring at each location shall be for a representative period whilst the act is taking place (at least 5 minutes) and the observations shall be recorded on the “Sound Monitoring Log Sheet for Events on CYC land”. Actions taken shall be in accordance with those stated on the monitoring log sheet.

Resolved: That in line with Option 2, the licence be granted.

Reason: The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by those making representations and the applicant. In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the Council’s own Statement of Licensing Policy .

The Sub-Committee was satisfied that there had been proper consultation of the application and procedural compliance. It noted the concerns raised about the broad-based nature of the application. It also noted that there had been no objection to the application from the Responsible Authorities and that EPU had agreed a number of

proposed conditions with the applicant to address potential public nuisance issues. It also noted that the applicant had offered to limit the variation sought to a localised area only. The Sub-Committee considered that it had received sufficient assurances from the applicant that the premises would be operated responsibly in order to be satisfied that, with the imposition of suitable conditions, the licence could be varied in relation to Parliament Street and St Sampson's Square without causing nuisance or disturbance to local residents.

The Sub-Committee therefore resolved that the application for a variation be granted as amended, in respect of Parliament Street and St. Samsons Square only.. The application was satisfactory with the additional conditions to promote the licensing objectives.

Councillor Aspden, Chair

[The meeting started at 10.45 am and finished at 12.35 pm].