

Meeting                      Licensing Hearing

Date                          24 October 2013

Present                      Councillors Boyce, Gillies and Orrell

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**41.      Chair**

Resolved:                  That Councillor Gillies be elected as Chair of the Committee.

**42.      Introductions**

**43.      Declarations of Interest**

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

**44.      Minutes**

Resolved:                  That the minutes of the Licensing Hearing held on 19<sup>th</sup> August 2013 be approved and signed by the Chair as a correct record.

**45.      THE DETERMINATION OF AN APPLICATION BY CITY OF YORK COUNCIL, COMMUNITIES, CULTURE AND THE PUBLIC REALM TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF RAWCLIFFE COUNTRY PARK, SHIPTON ROAD, YORK. (CYC-019663)**

Members considered an application by City of York Council, Communities, Culture and the Public Realm to vary a Premises Licence in respect of Rawcliffe Country Park, Shipton Road, York, YO30 5XZ.

Members 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 Managers report and her comments made at the hearing. She advised that the application was to extend the licensed area to include the adjacent Park and Ride car park and over flow car park. The premises are not located within the special policy area. A condition had been agreed with North Yorkshire Police prior to the hearing. Consultation had been carried out correctly.
3. The representations made by the Assistant Director (Communities, Culture and Public Realm), the Events Officer who made the application on behalf of City of York Council and an Event Organiser involved in a forthcoming event. It was advised that the application to licence the car parks had been made to ensure that events could take place on tarmac strictly on a contingency basis in case of wet weather conditions. The event held last year had churned the park's ground due to a combination of heavy vehicles and wet weather and the application would ensure this could be avoided in future. It was confirmed that the necessary risk assessments had been carried out and signed off in preparation for the forthcoming firework event.
4. The representations made at the hearing by local residents who raised concerns about anti social behaviour in the area and safety at the site, in particular fire safety and the suitability of the site entrance and exit points.
5. The representations made by local residents during the consultation period.

In coming to their decision, the Sub-Committee were presented with the following 4 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 Licensing Committee.
- Option 3 Grant the Licence Variation 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 2 and agreed to grant the licence variation with a modified/additional condition as follows:

The extended tarmac car park area shall only be used when the grassed area is not in use.

The Sub-Committee also asked that the following informative be noted by the applicant:

The Sub-Committee noted that the Assistant Director (Communities, Culture and Public Realm )confirmed that the works to improve the access/egress at the site are ongoing and asked that these works are completed prior to any event taking place and the Licensing Authority are informed when the works are completed.

All relevant mandatory conditions shall apply.

Reason for the decision:

The Sub-Committee considered the fact that the Police did not object to the application and that none of the other Responsible Authorities had made representations. The Sub-Committee considered that there was insufficient evidence to support the view that the grant of the variation sought would undermine the promotion of the licensing objectives. The Sub-Committee concluded that the application was acceptable with the above additional/modified condition as it addressed representations made both in writing and at the hearing, and it met 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.

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

Reason: To address the issues raised.

Councillor Gillies, Chair

[The meeting started at 10.00 am and finished at 11.30 am].