
MEETING	LICENSING HEARING
DATE	26 OCTOBER 2006
PRESENT	COUNCILLORS NIMMO (IN THE CHAIR), HALL AND HYMAN

21. Chair

RESOLVED: That Councillor Nimmo be elected to act as Chair of the meeting.

22. Declarations of Interest

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

23. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting prior to consideration of the personal data contained in Annexes 5 & 6 of Agenda Item 5 as provided by the Data Protection Act 1998.

24. The Determination of an Application by Mr L Judson & Mr R Brown for Determination of Application for Premises Licence on Section 18(3)(a) in respect of Nexus, 25 Tanner Row, York, YO1 6JP. (CYC-012194)

Members considered an application by Mr L Judson and Mr R Brown for a premises licence in respect of Nexus, 25 Tanner Row, York, YO1 6JP.

In coming to their decision the Sub-Committee took into consideration all the evidence and submissions that were presented and determined their relevance to the issues raised and all four licensing objectives, including:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and their comments made at the Hearing, including that as part of the application process, the Applicant had consulted with the Environmental Protection Unit of City of York Council and agreed to the following conditions:
 - Noise emanating from the licensable activities must not be audible at the nearest noise sensitive façade.
 - Noise monitoring shall be carried out after 23:00 hours by the licence holder or a representative of the licence holder and a

nightly log to meet this requirement shall be maintained and available for inspection by the local licensing authority at their request.

- A record of the nightly monitoring log shall be kept for twelve months.

Also the Licensing Officer reported that during the representation period an e-mailed registration to speak was received from Councillor Merrett on behalf of Bishophill Action Group. A written representation from them was only received after the representation period had passed. The Licensing Officer asked if the Sub-Committee were prepared to consider the representation. All parties present agreed and copies of the written representation were circulated for consideration.

3. The Applicant's representations at the Hearing, including that in an effort to lessen the impact on the Cumulative Impact Zone the application included the following measures:

- Change of style of venue to a 'Destination Venue' where customers pay to get in and then stay for the whole evening reducing the number of people moving between late night circuit bars.
- The provision of a large 200 occupancy 'Departure Lounge' where customers can take advantage of a taxi ordering and pickup service.
- The provision of fast food for consumption within the premises.
- Cash machine facilities.
- Four pay points to substantially reduce or remove queues.
- Door supervisors to encourage guests to leave the premises quietly and safely.
- Funding to assist First Bus Company to set up a late night bus service.
- The provision of professionally registered street, taxi and bus marshals.
- The installation of CCTV cameras and systems.

4. The representations made by North Yorkshire Police in writing and at the Hearing. The Sub-Committee considered the written representation to be relevant to the issues raised and the prevention of crime and disorder and the prevention of public nuisance.

5. The representations made at the Hearing by Richard Arnott of Mincoffs Solicitors on behalf of Luminar North Ltd. This included a written witness statement provided by Seabury Consultancy which was submitted at the Hearing with the agreement of all parties. The Sub-Committee considered the written representation and the witness statement to be relevant to the issues raised and the prevention of crime and disorder, public safety and the prevention of public nuisance.

6. The representations made in writing by Bishophill Action Group and one other representor who were presented at the Hearing by Councillor Evans in the absence of Councillor Merrett. The Sub-Committee considered these representations to be relevant both to the issues raised and the prevention of crime and disorder and the prevention of public nuisance.
7. Written representations made during the consultation period.

The Sub-Committee decided to reject the application having noted that the proposed premises are located within the Cumulative Impact Zone, which is the subject of 'Special Policy' as detailed in the City of York Council Licensing Policy. Representations had been received from North Yorkshire Police in relation to the need to prevent crime and disorder and the prevention of public nuisance. Having regard to this representation, the Sub-Committee concluded that the Applicants had failed to rebut the presumption contained within the said Special Policy that the granting of the proposed licence would not undermine the licensing objectives cited by the Police. Members came to this conclusion given both the magnitude of the identified increase in the capacity of the proposed premises and the increase in the number of persons that would be attracted to the Cumulative Impact Zone.

Councillor G Nimmo
Chair

The meeting started at 10.00 am and finished at 1.00 pm.