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MEETING	LICENSING/GAMBLING HEARING
DATE	7 JUNE 2007
PRESENT	COUNCILLORS HYMAN, REID AND D'AGORNE

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**13. Chair**

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

**14. Declarations of Interest**

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

**15. 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 3 & 5 to Agenda Item 5 as provided by the Data Protection act 1998.

**16. The Determination of an Application by Luminar Gems Ltd for Determination of Application to Vary a Premises Licence [Section 35(3)(a)] in respect of The Gallery, 12 Clifford Street, York, YO1 1RD. (CYC-008849)**

Members considered an application by Luminar Gems Ltd to vary a premises licence at the Gallery, 12 Clifford Street, York.

Members were presented with the following Options:

- Option 1** Grant the variation of the licence in the terms applied for.
- Option 2** Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
- Option 3** Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4** Reject the application.

Officers updated that the Applicants had successfully mediated with the City of York Council's Environmental Protection Unit prior to the Hearing.

Representations were made at the Hearing in support on behalf of the Applicant by the Applicant's solicitor.

Representations were made in objection by a local resident both in writing and at the Hearing; these related to concerns regarding noise nuisance.

Taking into consideration the representations made in writing and at the Hearing, the licensing objectives and the City of York Council's Statement of Licensing Policy, the Sub-Committee agreed to grant the variation of the premises licence with additional conditions.

RESOLVED: That, in line with above Option 2 the variation of the premises licence with the following additional conditions be granted.

1. The hours the smoking terrace shall be open to the public will be 11am to 2am on each and every day.
2. The smoking terrace shall be marshalled at all times during its opening hours and the marshal shall control any noise and anti-social behaviour of the patrons.
3. Smoking shall only take place on the terrace as identified on the plan (REF: 0684-30-02) Plan D
4. No amplified sound generating equipment shall be used in or on the smoking terrace.
5. No drinks are to be taken onto the smoking terrace.
6. Details of the screening and its materials to be agreed with the Environmental Protection Unit of the City of York Council.
7. No more than 10 patrons are to be on the smoking terrace at any one time.

REASON: To address the representations made in respect of the prevention of public nuisance.

Councillor K Hyman; Chair

The meeting started at 2.10 pm and finished at 3.00 pm.