
MEETING	LICENSING/GAMBLING HEARING
DATE	11 JUNE 2007
PRESENT	COUNCILLORS MOORE, REID AND SUNDERLAND

21. Chair

RESOLVED: That Councillor Reid be elected 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 3 & 5 to agenda Item 5 (Application for a Variation of a Premises Licence in respect of Bohemia) as provided by the Data Protection Act 1998.

24. The Determination of an Application by Hong Son Poc for Determination of Application to Vary a Premises Licence Section 35(3)(a) in respect of Bohemia, 127 Micklegate, York, YO1 6LB (CYC-009095)

Members considered an application by Hong Son Poc to vary a premises licence at Bohemia, 127 Micklegate, York.

Members were presented with the following options:

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

Officers said that North Yorkshire Police had withdrawn their representation because the Applicant had agreed that there would be no admissions after 03:00 hours.

Representations were made by the Applicant at the Hearing and he confirmed that the Police had raised no formal objections regarding crime and disorder. The Applicant said that there was no evidence that an extra one and a half hours trading by them would undermine the licensing objectives.

Representations were received from Councillor Merrett on behalf of local residents. The Sub-Committee considered these representations to be relevant both to the issues raised and the licensing objectives as their concerns related to noise issues and the prevention of crime and disorder. Councillor Merrett stated that he was aware of the wider cumulative problems surrounding noise and public nuisance in the Micklegate area. He stated that this was still a residential area and the impact of noise disturbance on the local residents was immense.

Representations were also received both in writing and at the Hearing from a local resident who emphasised the impact that noise levels had on the local residents and asked that the hours of the off sales should not be extended.

Representations were also received from another local resident, both in writing and at the Hearing. He said that if the application were granted then he could expect noise levels up until 04:00 hours from people leaving the premises and from taxis collecting people from the premises. He claimed that the noise pollution in the area would undermine the quality of life for the residents.

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 mandatory and additional conditions.

RESOLVED: That, in line with Option 2, the variation of the premises licence with the mandatory and additional conditions listed below be granted:

1. Mandatory conditions 19 and 21
2. A dispersal policy and procedure shall be agreed in writing with the local Licensing Authority
3. No off sales to take place after 02:30 hours on each and every day
4. Conditions 16 (a) and 16(d) shall be removed
5. There will be no admissions allowed after 03:00 hours
6. The part of the application to remove condition 3, annex 2 is refused in line with Policy 8.3 of the City of York Council's Statement of Licensing Policy.

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

Councillor A Reid; Chair
The meeting started at 1.25 pm and finished at 2.55 pm.