
MEETING	LICENSING HEARING
DATE	15 DECEMBER 2008
PRESENT	COUNCILLORS ALEXANDER (CHAIR), FUNNELL AND HORTON
APOLOGIES	COUNCILLOR WISEMAN

45. CHAIR

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

46. DECLARATIONS OF INTEREST

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

47. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 13 November 2008 be approved and signed by the Chair.

48. THE DETERMINATION OF AN APPLICATION BY LUMINAR GEMS LTD FOR THE VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF TRU NIGHTCLUB, 3-5 TOFT GREEN, YORK, YO1 1JT. (CYC-009396)

Members considered an application by Luminar Gems Ltd for the Variation of a Premises Licence Section 35(3)(a) in respect of TRU Nightclub 3-5 Toft Green, York, YO1 1JT.

The nature of the application was to vary the existing conditions attached to the licence namely condition 19 regarding the last entry to the premises so as to read "There shall be no admissions to the premises after 03.00 hours except for patrons using the smoking shelter" and to remove condition 32 regarding the smoking terrace which stated "The smoking area shall be closed to patrons at 02:00 hours on each and every day."

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

- 1) The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
- 2) The Licensing Officer's report and his comments made at the hearing, including reference to the conditions attached to the existing licence, the putting into place of a revised Dispersal Policy, compliance with procedural aspects and appropriate consultation having taken place and there being no representation from the Police, Fire Service, Planning or Environmental Protection Unit. Attention was drawn to the representation received from a local resident and to the City Centre Special Policy Statement.
- 3) The representation from Luminar Gems Ltd at the hearing, including the fact that a change in hours was not being sought and that a revised Dispersal Policy had been put into place to seek to address concerns expressed by the representor. The Dispersal Policy was in respect of condition 25 of the license and had the agreement of the Licensing Officer and the Police.
- 4) The written representation made by a local resident who objected to the application on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.
- 5) The written representation made during the consultation period.

Members were presented with the following options:

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| 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 |

RESOLVED: That in line with Option 1 the variation be approved, it being noted that the club had a revised Dispersal Procedure in place in respect of condition 25 of the licence.

Cllr Alexander, Chair
[The meeting started at 10.00 am and finished at 10.20 am].