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MEETING	LICENSING HEARING
DATE	9 SEPTEMBER 2010
PRESENT	COUNCILLORS MERRETT, MOORE AND REID
APOLOGIES	COUNCILLORS

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**31. CHAIR**

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

**32. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Reid declared a personal interest as she knows the representor Peter Barton through Executive duties.

Councillor Moore declared a personal interest as he knows Peter Barton through East Area Planning matters.

**33. THE DETERMINATION OF AN APPLICATION BY YORK DESIGNER OUTLET FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF YORK DESIGNER OUTLET, ST. NICHOLAS AVENUE, YORK. (CYC-017250)**

Members considered an application by York Designer Outlet, St. Nicholas Avenue, Fulford, York for a premises licence.

In coming to their decision the Sub-Committee 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 Officer's report and his comments made at the hearing. He advised that the premises is a large retail outlet which already had 24 hour CCTV and security. The application did not include the supply of alcohol and the applicant had withdrawn licensable activities on Fridays from the application.
3. The applicants representations at the hearing including the fact that the Designer Outlet takes its responsibilities to the community

seriously and that the licence was to facilitate the staging of events such as carol concerts at Christmas time and that no permanent stages area would be developed. The Designer Outlet management team were happy to comply with the Council's Environmental Protection Unit's requests and would be happy to set up a mechanism to liaise with concerned local residents.

4. The representations made by local residents in writing and at the hearing. The Sub-Committee considered the representations to be relevant to the licensing objectives as concerns were raised regarding the potential for further public nuisance and the issue of public safety.

Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives of the prevention of crime and disorder; public safety and the prevention of public nuisance.

The Committee considered the following four options:-

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

Members approved Option 2 and added the following conditions:

1. The number of events shall be restricted to 5 per year and that for the avoidance of doubt, an event shall not exceed 4 days from any Thursday to the following Sunday, or Monday if a bank holiday, during which all and any licensable activity can take place.
2. The hours of operation shall be restricted to the following hours:  
  
Thursday 10:00-19:00  
Saturday 10:00-19:00  
Sunday 10:00-17:00  
Bank Holidays 10:00-18:00.
3. A noise management plan shall be agreed with the Local Authority and this plan shall be complied with at all times. The Plan shall be subject to consultation with residents before approval by the Council's environmental protection unit, and shall include a request for residents to be given advance notification of events and advised of an emergency contact details of the event manager.

4. Traffic Management arrangements for each event to be notified at least 28 days in advance and agreed by the Licensing Authority prior to the event. Local Residents should also receive prior notification.
5. All licensable activities shall take place within the area indicated on the plan sent to the applicant with the decision letter.

RESOLVED: That in line with Option 2 the licence be granted.

REASON: To address the representations received.

Councillor Merrett, Chair

[The meeting started at 10.00 am and finished at 12.15 pm].