
MEETING	LICENSING HEARING
DATE	17 JANUARY 2011
PRESENT	COUNCILLORS MERRETT, LOOKER AND WATSON

66. CHAIR

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

67. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they have in the business on the agenda. None were declared.

68. THE DETERMINATION OF AN APPLICATION BY SMG THEATRES LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF THE BARBICAN CENTRE, PARAGON STREET, YORK. (CYC-017762)

Members considered an application by SMG Theatres Ltd for a premises licence in respect of The Barbican Centre, Paragon Street, York.

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 objective the prevention of public nuisance.

1. The application form.
2. The Licensing Officer's report and his comments made at the hearing. He advised that the premises is a purpose built events building and it had been licensed to sell alcohol and provide regulated entertainment since 1990. As the premises had been closed for several years, the previous licence had lapsed and the new proprietors had re-applied for a new grant. He advised that no responsible authorities had objected to the application. The Council's Environmental Protection Unit withdrew their representation when the applicant agreed to some conditions being attached to the licence if granted.
3. The applicants representations made at the hearing. He advised that SMG would operate around 250 events throughout the year

and that the application had been made in a flexible manner to ensure a broad range of events could take place. Most events would end at 11pm, and the later hours requested in the application would only be utilised on rare occasions. In relation to car parking, it was advised that the operators would offer car parking tickets for the on-site car park and advise customers about the nearby multi-storey car park to deter them from using residential streets.

4. Representations made by a local resident in writing and at the hearing. He advised that he had concerns about noise levels in the area increasing late at night should the Barbican be granted a licence with few restrictions. He advised that he was particularly concerned about the frequency of events that would go on until the early hours of the morning and the potential for the operators to run the restaurant and bar beyond the finish time of events.
5. Written representations made throughout the consultation period.

Members were presented with the following options:

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

Members chose Option 2 and added the following conditions to the licence:

- (i) All windows and doors to the premises shall be kept closed during regulated entertainment except for access/egress.
- (ii) The rear roller shutter door to the loading bay shall be kept closed at all times during regulated entertainment.
- (iii) Loading and unloading of vehicles via the rear access bay shall not be undertaken during regulated entertainment.
- (iv) No music or amplified sound shall be audible at the boundary of the nearest noise sensitive receiver.
- (v) Documented patrols shall be carried out by members of staff at no less than hourly intervals during regulated entertainment. These checks shall be undertaken outside the building to the front, rear and both sides to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with condition (iv).

- (vi) Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.
- (vii) A direct contact number for the venue for all times that the venue is in use shall be made available to residents living in the vicinity of the premises on request.
- (viii) No drinks shall be taken to the external licensed area outside of the hours of 09:00 to 23:00.
- (ix) A dispersal policy shall be agreed in writing with the licensing authority prior to the premises first coming into use and will thereafter be implemented.
- (x) A policy for the control and prevention of illegal drugs at events shall be agreed with the licensing officers prior to the premises first coming into use and will thereafter be implemented.
- (xi) Mandatory conditions 19, 20 and 21 shall apply.

Informative – For the avoidance of any doubt, Annex 2 (York Barbican – Licence Notes) shall form part of the licence operating schedule.

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

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.00 am and finished at 12.10 pm].