

Meeting	Licensing/Gambling Hearing
Date	2 November 2017
Present	Councillors Crisp, Richardson and Looker (Chair)

20. Chair

Resolved: That Cllr Looker be appointed as Chair for the hearing.

21. Introductions**22. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

No additional interests were declared.

23. Minutes

The minutes were deferred to a future hearing when those who had been present at the meetings were in attendance.

24. The Determination of an Application by RJJ Morwood-Leyland for a Temporary Event Notice Section 105 (2)(a) in respect of The Crescent Community Venue, 8 The Crescent, York, YO24 1AW. (CYC-CYC-001538)

Members considered an application by Mr RJJ Morwood-Leyland for a Temporary Event Notice Section 105(2)(a) in respect of The Crescent Community Venue, 8 The Crescent, York, YO24 1AW.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were

presented, and determined their relevance to the issues raised and the above licensing objective, including:

1. The application form
2. The Licensing Officer's report and her comments made at the Hearing. She outlined the application and advised that consultation had been carried out in accordance with the Licensing Act 2003.
3. The applicant's representations at the Hearing and those of his representatives Mr Harkirit Singh Bopari and Ms Morwood-Leyland. They advised that the two events would include an International DJ night held on Friday and a student night held on Saturday. It was explained that the applicant had acknowledged mistakes made at a previous event regarding sound control that led to a complaint from a local resident and that steps had been put in place to mitigate the likelihood of this reoccurring. These steps were included in the applicant's written representations and included insulation and sealing of a firedoor, the recruitment of an in-house sound engineer, and new electronic equipment for undertaking accurate sound checks. It was explained that the event in question had been fully booked out and that not going ahead would have negative consequences for the venue and the event's promoter.
4. The representations made by the Environmental Protection Unit at City of York Council, in writing and at the hearing. They stated that they had been encouraged by the attitude of the applicant and what had been done to improve sound control to date. However, they considered that work was still needed to soundproof the roof and to replace the firedoor and that there was consequently a risk of noise nuisance during the proposed events. They explained that if a noise abatement notice was served as a result of a complaint on either of the events covered by the TEN this would limit the remit of the support that the applicant could access from EPU and that the safer option would be to postpone the events until after the full scheme of works had been completed.

Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 105 of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Modify the terms of the TEN if agreed by the relevant persons and the applicant prior to the hearing being held or dispensed with pursuant to S106. This option was **rejected**,

Option 2: Issue a counter notice refusing authorisation of the TEN. This option was **rejected**,

Option 3: Choose not to issue a counter notice. This option was **approved**.

In coming to their decision of approving the above **Option 3** the Sub-Committee was satisfied that allowing the temporary event to take place would not undermine the licensing objective of preventing public nuisance. The Sub-Committee was mindful that only one formal complaint had been received in the previous two years and that the applicant had acknowledged the mistakes made and had put in place measures to reduce the likelihood of these reoccurring. The Sub-Committee also took into account confirmation from the EPU representative that through use of a noise limiter the noise level of the proposed event could be controlled by the applicant, and the applicant's undertaking to carry out noise monitoring during the event using a noise limiter set at an appropriate level to seek to prevent noise nuisance. The Sub-Committee was satisfied that although the applicant would not have completed the programmed soundproofing works to the roof and fire door by the time of this event, the applicant had demonstrated that he would manage the noise levels responsibly and that the applicant understood the serious consequences for any future events should any public nuisance occur during this event.

The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee also asked the applicant to note the following points:

- An earlier submission of the TEN application with a longer lead-in time for the event may have made it easier for the applicant to mitigate against the points raised by the objector.
- Should the event, licensed under the TEN, lead to a noise abatement notice being served this would have serious consequences for the business and would reduce the level of support available to the applicant from EPU officers.

Councillor Looker, Chair

[The meeting started at 10.00 am and finished at 11.35 am].

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