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MEETING	LICENSING/GAMBLING HEARING
DATE	13 DECEMBER 2007
PRESENT	COUNCILLORS WISEMAN (VICE-CHAIR), HYMAN AND AYRE

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**65. CHAIR**

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

**66. DECLARATIONS OF INTEREST**

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

**67. 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 2b, 3 and 5 to Agenda Item 6 as provided by the Data Protection Act 1998.

**68. MINUTES**

RESOLVED: That the minutes from the meetings held on 5<sup>th</sup> November and 19<sup>th</sup> November be signed by the Chair as a correct record.

**69. THE DETERMINATION OF AN APPLICATION BY MITCHELLS & BUTLERS LEISURE RETAIL LTD TO VARY A PREMISES LICENCE [SECTION 35(3)(A)] IN RESPECT OF FLARES, 6 TANNER ROW, YORK, YO1 6JB. (CYC-009030)**

Members considered an application to vary a premises licence submitted by Mitchells and Butlers Leisure Retail and in relation to Flares, 6 Tanner Row, York, YO1 6JB.

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; the prevention of public nuisance and the prevention of crime and disorder including:

1. The application form and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and his comments made at the Hearing, including the fact that this was a well established premises

and there had been no representations received from Responsible Authorities in relation to this application. The Licensing Officer circulated a copy of the Dispersal Policy for the premises to all parties at the hearing. The policy included information on adherence to the licensing conditions, 'end of evening operation policies', notices at exits, door supervisors, transport and rubbish.

3. The Applicant's representations at the Hearing, including the fact that the premises were, at the moment, limited due to the sale of alcohol being ancillary to music, dancing and refreshment. The premises had 30 conditions placed upon it and the management had complied with these as well as having a dispersal policy which had been agreed in writing with the Licensing Authority. The premises were also an accredited venue in the Best Bar None Scheme.
4. Representations were received in writing and at the Hearing from a local resident who had concerns regarding crime and disorder and noise.

Members were presented with the following options:

- 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

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 premises licence in the terms applied for.

**RESOLVED:** That in line with the above **Option 1** the premises licence be granted in the terms applied for.

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

Councillor K Hyman, Chair of the Sub-Committee  
[The meeting started at 10.05 am and finished at 11.30 am].

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