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| MEETING | LICENSING/GAMBLING HEARING |
| DATE | 13 NOVEMBER 2008 |
| PRESENT | COUNCILLORS ALEXANDER (CHAIR), AYRE AND WISEMAN (VICE-CHAIR) |

1. CHAIR

RESOLVED That Councillor Ayre be elected as Chair of the meeting.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on Monday 4 September 2008 and Thursday 9 September 2008 be approved and signed by the Chair as a correct record.

4. THE DETERMINATION OF AN APPLICATION BY POPPLETON COMMUNITY TRUST FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF THE POPPLETON CENTRE, MAIN STREET, UPPER POPPLETON, YORK, YO26 6JT. (CYC-014381)

Members considered an application by Mr. P Hawkins for the Determination of Premises Licence in respect of The Poppleton Centre, Main Street, Upper Poppleton, York, YO26 6JT.

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 crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

- 1) The application form, in particular the steps agreed to be taken by the applicant to promote the four licensing objectives.

- 2) The Licensing Officers report and his comments made at the hearing. He confirmed the application was for a new premises licence and should this be granted the existing premises licences and club certificate for the Centre would be revoked. He advised Members to carefully consider the petition as it is merely a statement that the petitioners are unhappy with the licence application rather than a detailed representation.
- 3) The Applicants representation including the fact that the licence would be for on sales only and not off sales. He advised the Committee that the licence was being applied for as the current licence only allowed 12 events a year for the sale of alcohol beyond 23:00 and entertainment beyond midnight which had been reached by September. He stated that the trust is a responsible body of thirteen volunteers and they had invited local residents to attend a meeting to discuss any concerns. I
- 4) The representations made by local residents both at the hearing and in writing. The residents advised that they were not in objection to the Poppleton Centre and appreciate the service it provides to the community. They are in objection to the Centre being able to extend its services on more than the current 12 nights a year past midnight. They advised that the 12 nights a year had been tolerated by residents but an increase in this number would not be acceptable. The music is clearly audible from the nearest houses and residents have suffered vandalism and noise nuisance as patrons leave the premises late at night. They fear that if financial pressures affect the Centre the 24 nights being asked for may increase in the future.
- 5) Written representations made during 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 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. |

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

The Sub-Committee then imposed the following additional conditions:

- 1) The premises primary use shall remain as a community centre.
- 2) All sales of alcohol made outside the main building (The Poppleton Centre) will be in vessels other than glassware.
- 3) All consumption of alcohol undertaken outside the main building but within the external boundary of the Poppleton Community Centre will be in vessels other than glassware.
- 4) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- 5) The only acceptable proof of age identification shall be a current passport, photo card driving licence, or identification carrying the PASS logo.
- 6) The management of the venue will comply with any written reasonable and justified request made by North Yorkshire Police regarding the provision of door supervisors should the need arise.
- 7) Documented records shall be kept of the occasions when the venue is used to serve alcohol beyond 23:00 hours on a Friday and Saturday.
- 8) The maximum permitted occupancy of the premises shall not exceed:

Main Hall – 600 persons
Maypole Room with partition in place – 60 persons
Dodsworth Room with partition in place – 70 persons seated or 120 standing
Maypole and Dodsworth Rooms combined – 250 persons
Conservatory – 90 persons
Lounge – 58 persons
Lounge Extension (annexe) – 44 persons
- 9) No external music be performed or played on any day after 22:00
- 10) No alcohol shall be sold after 23:00 Monday-Thursday
- 11) Within 3 months a noise insulation scheme for the premises shall be submitted and approved by the City Council which will then be implemented by a time to be agreed with the City Councils Environmental Protection Unit, such scheme will have particular regard to the amenities of the occupiers of the nearest noise sensitive properties.

12)Mandatory Conditions 19, 20 and 22 shall apply.

All conditions offered by the applicant in the application for granting the Premises Licence under the Licensing Act 2003 shall be included in the licence unless contradictory to the above conditions.

REASON: To address the representations made in respect of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Councillor Ayre, Chair

[The meeting started at 10.00 am and finished at 11.25 am].