

Meeting	Licensing/Gambling Hearing
Date	13 July 2026
Present	Councillors Kilbane, Mason, and Nicholls
Officers in Attendance	Helen Sefton – Senior Licensing Officer Sandra Branigan – Senior Lawyer

1. Chair (10:09am)

Resolved: That Councillor Kilbane be elected Chair of the hearing.

2. Apologies for Absence (10:09am)

No apologies for absence were received.

3. Introductions (10:09am)

Introductions were made.

4. Declarations of Interest (10:10am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests.

Councillor Kilbane declared an interest in that he had on occasion been offered free tickets for Museum Gardens events, but did not accept them, and all offers were recorded within his register of interest. He reported that through his role on the Board of York BID, he had not been involved within York BIDs letter of support for the application.

5. Exclusion of Press and Public (10:11am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

6. The Determination of an Application by Futuresound Events Ltd for a Premises Licence (Section 18(3) (a) in respect of York Museum Gardens, Museum Street, York (CYC-084107) in respect of York Museum Gardens, Museum Street, York (CYC-084107) (10:12am)

Members considered an application by Futuresound Events Ltd for a Determination of Application for a Premises Licence (Section 18(3)(a) Licensing Act 2003) in respect of Museum Gardens, Museum Street, York, YO1 7FR. In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the Hearing:

1. The Prevention of Public Nuisance.
2. The Prevention of Crime and Disorder.
3. The Protection of Children from Harm.
4. Public Safety.

In coming to its 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 papers before it including the written representations received from local residents and responsible authorities.

3. The Director of Environment & Regulatory Services' Report and Senior Licensing Officer's comments made at the Hearing.

The Senior Licensing Officer outlined the report and annexes. The Senior Licensing Officer confirmed that the premises was not located within the Cumulative Impact Area (CIA), consultation had been carried out correctly, there had been two representations from responsible authorities, of which North Yorkshire Police had withdrawn their representation and had agreed conditions with the Applicant, members were then directed to the representations made by local residents regarding prevention of public nuisance and crime and disorder. The Senior Licensing Officer confirmed that the application as amended by the Applicant outlined the request for sale of alcohol and regulated entertainment on no more than 6 days per year; there was no restriction requested on opening hours.

In response to questions from Members, the Senior Licensing Officer confirmed that it was not uncommon for premises to operate under multiple licences.

4. The Applicant's Representation at the Hearing.

The Solicitor representing the Applicant, Jon Payne, presented their case.

Mr Payne discussed shadow licences and how a second licence for the premises provides accountability for Futuresound Events Ltd's events; Futuresound Events Ltd would be front and centre of events taking place at the premises. He mentioned Futuresound Events Ltd's experience within the industry, how the application was also supported by York Museums Trust and the need to promote economic growth should be considered. No enforcement actions had ever been taken under the operating of the Applicant's previous licences. Mr Payne referenced City of York Council's (CYC) Licensing Policy which discussed the development of a rich culture of entertainment, which this licence would offer.

The Safety Advisory Group was given the opportunity of consultation before the application was submitted, and the application had been modified following the representation submitted by North Yorkshire Police; the Event Management Plan would give all members of the Safety Advisory Group the opportunity to comment, and the Sound Management Plan would detail sound levels and the sound profile for events; this allowed for a consensus to be agreed for sound levels. Mr Payne noted that licensing objectives had not been breached during previous events held.

Gareth Hance, the Applicant's Independent Sound Consultant, noted that from 2018, the 'Pop Code' (The UK Noise Council's Code of Practice on Environmental Noise Control at Concerts) was considered outdated and was no longer maintained, although it was still used by Local Authorities; it was no longer considered relevant as it was not evidence based and was instead based on assumption.

Kathryn Blacker, CEO (Chief Executive Officer) of York Museums Trust, discussed the need to diversify their income to different areas and the need to generate 70% of their own income and the support that this licence would provide in this. She highlighted that York Museums Trust had worked with the Applicant for three years and had changed events based upon feedback received from residents; they wanted to make sure events worked for residents and didn't negatively impact on those working and living in the area.

In response to questions received from Michael Golightly, Public Protection, as a Responsible Authority at the Hearing, Mr Payne, on behalf of the Applicant, confirmed that:

- It was possible following the granting of the licence for the Applicant and York Museums Trust to use their licences to increase the number of events that could be held, but this would require strong event management and there would be the possibility of a review if problems were to arise from this.

In response to questions received from: Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents; Jeremy Brookes; and Christopher Gray; Mr Payne, on behalf of the Applicant, confirmed that:

- As part of the agreement with North Yorkshire Police, it was preferable to hold consecutive events rather than spacing them out in the year. Events would be scheduled appropriately following proper consultation. Holding consecutive events meant that infrastructure did not need to constantly be erected and dismantled. The Museum Gardens would then be reopened when events were not yet on, but when infrastructure was set up.
- Noise impact did not always come from noise levels but also depended upon the individual profile of the event.
- York Museums Trust worked hard to make sure the Museum Gardens were the best they could be, and during events access was granted right up to the time of the event starting, and signs were installed to show the outside areas that were still accessible. The Museum Gardens were located in a special location and had a unique selling point which should be enjoyed by everyone; they wanted to support local people's access to events.
- As comedy nights were not licensable it therefore could not be predicted if all events would be music or comedy.
- The licence conditions would determine the notice given for events.
- Egress for events was directed through Museum Street in order to not impact Marygate Street where only artists exited; Marygate residents were consulted with, and this was work in progress.
- Work could be undertaken to potentially hold events alongside York Museum Trust's own licence to hold events over four consecutive weekends in order to mitigate the constant erection and dismantling of infrastructure, this would be done through the Event Management Policy where notification could be sent to the Event Safety Advisory Group.
- The Sound Management Plan would allow for sound limits to be reduced where needed to mitigate public nuisance.

5. The representation of Public Protection, Responsible Authority, at the hearing.

Michael Golightly, on behalf of Public Protection, presented their case.

He reported that York was a small city that allowed music to travel across the city, he outlined the buildings and the residents neighbouring the premises and discussed how noise travelled up the river from the premises to impact further areas.

Mr Golightly told the Sub-Committee that the 'Pop Code' was still recognised and was still in use within CYC's guidance. He noted that the existing licence for York Museums Trust allowed for flexibility for what was currently being applied for.

Mr Golightly informed the Sub-Committee that a Noise Management Plan would need to be published one month from the granting of the licence, in order for Public Protection to provide feedback about what events would be taking place, but there was a need of an agreement on noise levels for events, and to consider whether noise consultants would be needed for events, or not. It was noted that once noise levels increase above 65dBA (A-weighted decibels), noise complaints would be increased and there was a need to consider the cumulative impact of all events held, if noisier events would also be held.

Mr Golightly advised that stage orientation had a big effect on noise levels and outlined the possibility of the licence resulting in an increase of up to nine louder events; this would run against national noise advice. There was already a robust and adequate licence in place for the premises and there were no conditions in place which would inhibit the events sought through this application.

In response to questions from the Applicant, Mr Golightly, on behalf of Public Protection, confirmed that:

- It was possible to not follow the Pop Code guidance and not cause a nuisance, just as it was possible to follow the guidance and still cause public nuisance.
- Cumulative Impact was the important factor in determining public nuisance for this premises.
- Difficulties and impracticalities in measuring noise levels lead to the Council not usually applying powers granted to it through the Noise Act 1996.
- Complaints were received following an event in summer 2025 from which the Council then liaised with the Museum Gardens.
- Background levels taken at one point in time could fluctuate and be different to other times.
- Relevant noise information should be included within the Noise Management Plan, and wider information could be used to support this.

In response to questions received from: Marabel Clarke, representing Martin Clarke on behalf of Mary Gate Residents; Jeremy Brookes; and Christopher Gray; Mr Golightly, on behalf of Public Protection, confirmed that:

- Public Nuisance could be caused by any noise frequency, including low level continuous sound frequency overnight.

In response to questions received from the Sub-Committee, Mr Golightly, on behalf of Public Protection, confirmed that:

- Guidance that has been relevant in the past, such as the 'Pop Code', was still used due to nothing overriding it.
- A statutory nuisance relies upon how it effects people rather than the type of noise.
- The noise levels of the Museum Garden's Proms events had not been tested as no issues had been raised.
- Some events may receive more complaints but commit fewer breaches as sound can reaching wide areas creating the assumption that sound must be loud at the source.

6. The representation of Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents, at the Hearing.

Ms Clarke, Mr Whittington, and Mr Reid set out their case and reported that as Mary Gate Residents they did not feel they had been properly consulted with in regard to the Application, and that the Application did not honour the unique historical character of the Museum Gardens. They noted that access to and from the Museum Gardens remained an issue during events, and that communication and engagement needed to be improved.

Ms Clarke discussed monitoring that had been conducted around Marygate and found that although parking, loading and unloading had been taking place without any complaints, the blocking of the street was causing an issue. Between 2200 and 0800 hours the noise levels were recorded at 76dB on average during songs, and low-level sound all night from the drink cooler was causing public nuisance at a low frequency, although it was a quiet noise.

Ms Clarke had recorded sound levels at a recent concert at the premises resulting in findings of between 79-88 dB. She then reported an error within the evidence submitted by the Applicant, in that the Sound Map, seen on page 47 of the agenda, showed Recording Station R7 being located within her house, and not within the Gardens opposite where it is actually located. She continued by stating that this type of music was too loud for the venue and other types of events were perfectly acceptable, and many tourists to the Museum Gardens received no notification of possible closures of the gardens.

Mr Reid reported that he was a Churchwarden at St Olave Church and he had been assured by the Applicant that there would not be any sound checks during church services, and the church's schedule has been shared with the Applicant. He suggested that the Applicant review their security for events to prevent people from climbing over the wall of the graveyard for events. Sparse parking issues were also raised, with many spaces being taken by visitors from residents.

In response to questions from the Sub-Committee, Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents, confirmed that they did not support back-to-back events at the premises as this was disruptive to residents, and they requested an annual plan of events in order to support engagement with residents on events taking place.

7. The representation of Jeremy Brookes, a local resident, at the Hearing.

Mr Brookes set out their case, informing the Sub-Committee that he had put up with various roadworks and infrastructure improvements causing road restrictions in the past from the railway, and he didn't wish to put up with further continuous noise from Museum Gardens, as this did not benefit residents.

He stated that many supporters of the application were tourism organisations and were not residents, and the events requested would mean losing use of the Gardens during the hottest period of the year. The lack of advertisement of the closure of Museum Garden during events was mentioned, and he discussed how events brought in too many tourists for a small city as York and could bring noisy stag and hen groups. This number of tourists in York was too many.

He stated that it was understandable of York Museums Trust to support this application and seek these events as they needed the funds. He discussed York Museums Trust providing grants of £300k to organisations not based in York. He also mentioned that at an earlier meeting in Bootham, York Museums Trust had mentioned they supported the application, but wanted to decrease the number of days, but did not amend their letter of support or halt the progress to do this.

He highlighted the influence of North Yorkshire Police over this application, and in comparison, the lack of influence residents had, and suggested that an application for further event days would be sought in the future if this application were to be approved. Mr Brookes suspected that more event days would be requested if the application was approved.

If the application were to be approved, Mr Brookes suggested the following additional licence conditions: Measuring background noise levels, currently set at 15dB, at times the concerts will be on, require at least 14 days from the closure of one event and the start of another, and a limit of only one event per month. He concluded by stating that it was unlikely that the refusal of this application would lead to the closure of the premises.

[The hearing adjourned at 12:00pm and reconvened at 12:07pm]

Michael Golightly, on behalf of Public Protection, was then given the opportunity to sum-up.

He noted that there was already a well-rounded licence for the premises in place, and that the extra six days requested could not be supported by national guidance. He stated that another day of more than 65dBA would lead to an increase in complaints and public nuisance – 15dBA above the background level could not be supported, and the conditions suggested were not robust enough. He concluded by confirming that Public Protection could not support this application.

Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents, were then given the opportunity to sum-up.

Marabel noted that they were supportive of York Museums Trust but required active engagement from the Applicant in regard to the planning of events.

Jeremy Brookes was then given the opportunity to sum-up.

He offered a correction to his previous comments regarding the grants of £300k provided by York Museums Trust in that this was not a grant and was instead a funnel of funds.

He commented on the increase of noise pollution within the local area and suggested that the background noise level recorded was not done in the residential area where people live, which is different to where the premises is.

The Applicant was then given the opportunity to sum-up.

Mr Payne, the Solicitor representing the Applicant, discussed how the application promoted a mix of culture and music which supported national and council policy. He indicated that there was public support for the application, while there were unknown concerns regarding sound levels. He stated that the 'Pop Code' was no longer relevant and so objecting to the application on this basis was flawed, and suggested that just because there were complaints, it didn't mean there was public nuisance. He added that there was a perfectly good licence in place at the moment with a perfectly good condition applied and noted how a Sound Management Policy could mitigate concerns raised and was a requirement on previous licences. Mr Payne urged the Sub-Committee to only consider relevant and valid representations made, and highlighted efforts made to engage with the public on the scheduling of events, of which opportunities were not always taken up by residents. He concluded by offering a condition for a phone number to be provided in order to resolve issues as they arise.

In response to questions from the Sub-Committee, Michael Golightly, on behalf of Public Protection, confirmed that an increase of 15dBA in background noise was not viable and a total noise level of 65dBA could not be supported and agreed on by Public Protection.

In response to questions from the Sub-Committee, the Applicant confirmed that:

- Futuresound Events Ltd and York Museums Trust worked together regarding the scheduling of events, and they prioritised ensuring there was always a space at the Museum Gardens for residents.
- It had been demonstrated that although it was difficult to work within the limits of an additional 15dBA (totalling 65dBA), it is possible. The Applicant's own surveys showed different sound levels to those conducted by CYC.
- Work had been undertaken to liaise with residents on parking concerns, such as with the Bootham South Residents' Association. Work had also been undertaken with the Local Link Magazine about sharing information there; it was important to improve engagement.

- Through this application the aim was to take the burden and risk of event management from York Museums Trust, allowing them to continue their own events safely. Three lower sound level events would continue as usual, by York Museums Trust, with the three louder events being operated by Futuresound Events Ltd. There were no plans to reduce the licence already held by York Museums Trust in case plans change in the future or if the relationship between the Applicant and York Museums Trust changes.
- Events held at the Museum Gardens gave residents the opportunity to attend events without leaving York.

In response to questions from the Sub-Committee, Mirabel Clarke confirmed that the events held were mostly peaceful but if an extension to the events permitted was granted it could encourage further disruption and drinking.

[The hearing adjourned at 12:35pm and reconvened in private session at 12:40pm. The hearing reconvened in public session at 1:36pm]

The Sub-Committee resolved to grant the licence with modified/additional conditions (Option 2), as set out below:

Proposed Activity	Timings
Live music – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Recorded music – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Performance of Dance – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Other entertainment – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Supply of Alcohol – On the premises	11:00 to 22:30 each day
Opening Hours	Unrestricted Mon to Sun

Modified Conditions

Modified Condition 1:

This licence shall be valid for a period of no more than six event days per annum to be held over two consecutive weekends between 1 June and 31 July each year.

Modified Condition 2:

The Premises Licence Holder (PLH) shall give notice to the Licensing Authority (LA) and to the Police of any event date/s no later than four months before the first day of the event.

Modified Condition 6:

A draft ESMP shall be submitted to the LA and to the Police no less than four calendar months in advance of the event. The ESMP shall give due regard to the Purple Guide and shall include references to: -

- Adverse weather plan
- Alcohol management plan
- Anti-drugs policy
- Crowd management, security and stewarding policies and plans (including, but not limited to search policy and procedure, drug control, weapons, eviction, ejection and deflection, counterterrorism)
- Emergency response plan
- Event schedule (to include operating hours of all licensable activities) which takes into account the cumulative impact on local residents of noisy events (i.e. typically those in excess of 65 Db (A)).
- Fire safety plan
- Medical plan
- Sound management plan (to include operating hours, how off site and front of house sound levels will be monitored and how any complaints of sound will be dealt with)
- Risk assessment
- Site map
- Traffic management plan
- Contact details of key personnel
- The location of the rendezvous points for Responsible Authorities
- The location of free water dispensing points
- Glass management within the VIP area & prevention from leaving the area
- CCTV coverage, including details of data holder, data storage, accessibility to recordings, monitoring responsibility and reporting.
- Any other detailed plans agreed with the LA and the Police.

Modified Condition 7:

The final published ESMP shall be Submitted to the LA and to the Police at least 14 days before the first day of the event. The final ESMP will account for advice received via the SAG consultation process and have changes clearly logged. This version will only be amended in the 14 days prior to the event with the prior written approval of the LA and the Police or during the event in the case of emergency or where the changes are typographical in nature. Such changes will be notified in writing to the LA and to the Police as soon as reasonably practicable.

Additional Conditions

- i. Prior to submission of the draft ESMP to the LA and to the Police pursuant to condition [6], the PLH shall:
 - Hold at least one consultation meeting with local residents which shall be minuted by the PLH; and
 - Submit a copy of the minutes to the LA.
- ii. In addition to the consultation meeting referred to in condition [above] the PLH shall hold quarterly meetings with local residents to hear residents' concerns surrounding events. Each meeting shall be minuted by the PLH and the PLH shall submit a copy of the minutes to the LA within 14 days of the meeting.

Reasons for the Decision

The Licensing Sub-Committee noted that there was an existing licence for Museum Gardens, held by York Museums Trust which enables the Trust to hold music events in the Gardens. This was a new application by Futuresound Events Ltd which did not replace the existing licence held by the Trust. The application is for up to six event days per annum to be held over two consecutive weekends between 1 June and 31 July.

The Applicant has agreed a list of conditions with the Police, on the basis of which the Police have withdrawn their representation. The Police are the Sub-Committee's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Having considered those conditions at the hearing and during deliberations, the Sub-Committee agree that they are appropriate and proportionate, as modified by the Sub-Committee. The Sub-Committee noted residents' concerns that back-to-back events will be disruptive for residents but considered that holding consecutive events would strike a balance between the impact of events on the locality and policing the event.

The Sub-Committee carefully considered the representations from Public Protection and local residents in respect public nuisance. The Sub-Committee focussed in particular on the effect of events on local residents and whether it may be disproportionate and unreasonable. The Sub-Committee was concerned that the licensing objective of protection from public nuisance would be undermined without appropriate and sufficient proposals to address the issues raised. Condition 6 requires an Event Safety Management Plan for an event which includes, amongst other things, a sound management plan in respect of operating hours, how off site and front of house sound levels will be monitored and how any complaints of sound will be dealt with. The Sub-Committee placed considerable weight on the assurances given by the Applicant's solicitor at the hearing that events would be scheduled appropriately following proper consultation and that the sound management plan would allow for sound limits to be reduced where needed to mitigate public nuisance.

Overall, the Sub-Committee was content that, through the operating schedule and the additional conditions imposed by the Sub-Committee, sufficient mitigation measures had been put in place to minimise the risk of noise nuisance or public disorder and to promote public safety and the protection of children from harm. It considered that the conditions are appropriate and proportionate to promote the licensing objectives.

Cllr Kilbane, Chair

[The meeting started at 10.00 am and finished at 1.28 pm].