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MEETING	LICENSING HEARING
DATE	14 SEPTEMBER 2009
PRESENT	COUNCILLORS HYMAN, MERRETT AND REID

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**1. CHAIR**

RESOLVED: That Councillor Merret 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.

Councillor Merrett declared a personal non prejudicial interest as he is acquainted with the representor Frank Paterson from 30 years ago and through being Chair of a planning committee.

Councillor Reid declared a personal non prejudicial interest as she has also been acquainted with Frank Paterson through planning matters.

**3. MINUTES**

The chair requested that the minutes of the Licensing Hearing held on 20 August be brought to a future hearing when one of the Members present on the 20<sup>th</sup> will be in attendance to sign and agree them as a correct record.

**4. THE DETERMINATION OF AN APPLICATION BY ASKHAM BRYAN COLLEGE FOR THE VARIATION OF A PREMISES LICENCE SECTION 35 (3)(A) IN RESPECT OF ASKHAM BRYAN COLLEGE, ASKHAM BRYAN, YORK, YO23 3FR. (CYC-009442)**

Members considered an application by Askham Bryan College for the variation of a premises licence for the College.

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 following were taken into account:

- 1) The application form, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
- 2) The Licensing Officers report and his comments, including the fact the premises has been licensed since the early 90s and can open until 23.00 under grandfather rights. The College did not apply for a variation when the Licensing Act came into force and has relied on temporary events notices.
- 3) The applicants representations at the hearing including the fact that the licensee lives on site and promotes good behaviour amongst students. It was explained that the variation would be to enable events such as conferences and weddings to take place without the college applying for temporary events notices and the student bar opening hours would not be extended.
- 4) The representations made by the Parish Council both in writing and at the hearing, in particular concerns regarding the possible increase in traffic to and from the site and the possible increase in traffic late at night.
- 5) Written representations from local residents.

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 application relates and modify/add conditions accordingly. |
| Option 4 | Reject the application.   |

Members chose Option 2 and added the following conditions:

- 1) All licensable activities shall cease at 1.30am and the premises shall close at 2am.
- 2) The extension for the sale of alcohol shall not apply to student bar facilities in use during term time.
- 3) The erection of any marquee shall be confined to the land at the rear of the sports hall only.
- 4) Mandatory Conditions 19,20,21 and 22 shall apply.

Members then made the following comments:

- Condition 3 does not preclude the College from continuing to apply for temporary events notices to hold events in other locations.
- Residents should be aware that there is a complaints procedure and that the licence can be subject to a review if necessary.

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

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.10 am and finished at 11.40 am].