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MEETING	LICENSING HEARING
DATE	22 APRIL 2010
PRESENT	COUNCILLORS MOORE, LOOKER AND WISEMAN
APOLOGIES	COUNCILLORS

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**33. CHAIR**

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

**34. DECLARATIONS OF INTEREST**

At this point in the meeting Members are invited to declare any personal or prejudicial interests they may have in the business on the Agenda. None were declared.

**35. MINUTES**

That the minutes of the Licensing Hearings held on 16 November 2009 and 17 December 2009 be signed by the Chair as a correct record.

**36. THE DETERMINATION OF AN APPLICATION BY MITCHELLS & BUTLERS LEISURE RETAIL FOR THE VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF FLARES, 6 TANNER ROW, YORK, YO1 6JB. (CYC- 009030)**

Members considered an application by Mitchells and Butlers Leisure Retail Ltd, for the variation of a premises licence in respect of Flares, Tanner Row, York.

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented to them 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 existing licence conditions and the additional steps agreed to be taken by the applicant to promote the 4 licensing objectives.
2. The Licensing Officers report and his comments made at the hearing. He advised that along with the extension of the terminal hour to 03:00 on Fridays and Saturdays, the applications included the removal of conditions 4, 7, 8 and 16 in Annex 2 of the existing licence. It was proposed that these conditions would be replaced

with similar worded conditions as agreed with the Police. The application was also for the removal of conditions a, b, c and d, under the heading 'Regulated Entertainment', which had been left on the current licence from the old licence. The Officer advised that the consultation had been carried out correctly.

3. The applicants representation, in particular that the application was in order to bring the opening hours of Flares in line with other establishments in the area. The applicant advised that the extra hour on Fridays and Saturdays would encourage customers to stay longer and would assist in keeping disturbance to minimum in the area.
4. The representations made in writing by a local resident who raised concerns regarding noise and disturbance in the area.
5. Written representations made during the consultation period.

Members were presented with the following options:

- 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 1 and granted the variation in the terms applied for as they felt the existing licence conditions were sufficient to address the issues raised in relation to public nuisance.

The new mandatory conditions introduced by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 would be added to the licence.

RESOLVED: That in line with Option 1, the licence be granted.

REASON: To address the representations made.

Councillor Moore, Chair  
[The meeting started at 10.15 am and finished at 11.20 am].