
MEETING	LICENSING HEARING
DATE	13 MAY 2010
PRESENT	COUNCILLORS HYMAN, MOORE AND REID

45. CHAIR

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

46. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Pierce declared a prejudicial interest and withdrew from the hearing as he knew one of the representors. Councillor Reid took his place on the panel.

47. THE DETERMINATION OF AN APPLICATION BY LUMINAR GEMS LTD FOR THE VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF THE GALLERY, 12 CLIFFORD STREET, YORK, YO1 1RD. (CYC-008849)

Members considered an application by Luminar Gems Ltd for the variation of a premises licence for The Gallery, Clifford Street, 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:

- (i) The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
- (ii) The Licensing Managers report and his comments made at the Hearing. He advised that the application was to extend the hours for the sale of alcohol. The provision of regulated entertainment and late night refreshment until 04:00 hours everyday, extend the opening times until 04:30 hours and to remove the conditions superseded by these hours in Annex 3, i.e. conditions 1 and 2. The applicant had also requested the removal of condition 6 relating to the hours of the smoking terrace. He advised that North Yorkshire Police had

mediated with the applicant and after the applicant had agreed to the addition of 4 conditions to the licence.

- (iii) The applicants representation at the hearing, including the fact that The Gallery nightclub is run by a company with 30 years experience and that the current manager has measures in place to promote the licensing objectives such as a dispersal policy and a neighbours charter.
- (iv) The representations made by local residents in writing and at the hearing. They raised concerns regarding bass noise and vibration from The Gallery's sound system, people in the streets until the early hours of the morning and the noise caused by nightclub patrons using the smoking terrace.
- (v) 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 2 and the following conditions were added to the licence:

1. The existing CCTV provision of 2 cameras to the front of the premises and 2 at the rear will be maintained to cover the premises and will include all areas (including the smoking terrace) to where the public have access. It will be kept operational and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced in Court or other such Hearing. Copies of recordings will be kept available for any Responsible Authority for 28 days. Notices stating that CCTV is in operation 24 hours a day should be displayed throughout the venue.
2. An adequate number of Door Staff, to be agreed with the Licensing Authority, will be provided every evening the venue is open for licensable activities from 22:00 hours until the venue closes for business.
3. Last entry to the venue shall be no later than 03:00 hours.
4. An occupancy figure of 775 persons shall be imposed to ensure that the the licensing objective, "the prevention of crime and disorder" is not undermined.

5. A Noise Mitigation Plan, dealing with the smoking area, bass noise and vibrations, all to the extent that they affect local residents, to be agreed with the Council's Environmental Protection Unit and thereafter adhered to.
6. The revised Dispersal Policy should be agreed with the Council's Licensing Department, and include the Neighbours Charter and which shall include details of the relevant Council departments (i.e. Licensing Department and Noise Patrol) and should be distributed annually to all properties as per the area identified within the dispersal policy.

Mandatory Conditions 19, 20 and 21 will continue to apply.

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

REASON: To address the representations made.

Councillor Hyman, Chair

[The meeting started at 10.20 am and finished at 12.00 pm].