
MEETING	LICENSING HEARING
DATE	18 JANUARY 2010
PRESENT	COUNCILLORS MOORE, B WATSON AND WISEMAN

37. CHAIR

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

38. DECLARATIONS OF INTEREST

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

39. THE DETERMINATION OF AN APPLICATION BY HELEN HOWLETT, SENIOR ENVIRONMENTAL PROTECTION OFFICER, CITY OF YORK COUNCIL FOR THE REVIEW OF A PREMISES LICENCE SECTION 52(2) IN RESPECT OF ZIGGY'S, 53-55 MICKLEGATE, YORK, YO1 6LJ. (CYC-009397)

Members considered an application by Helen Howlett, Senior Environmental Protection Officer, City of York Council for the review of a Premises Licence in respect of Ziggy's, 53-55 Micklegate, 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 objective – Prevention of Public Nuisance. The following were taken into account:

1. The application form, in particular the existing licence conditions and the steps taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and his comments made at the hearing, including the fact that the review relates to noise complaints dating back three years and a subsequent noise abatement order being breached. The premises owner had worked with the Environmental Protection Unit and progress had already been made towards resolving the problem.
3. The applicant's representations at the hearing, in particular the fact that Environmental Protection Unit has a duty to take action and the review is a result of a noise abatement order

being breached. A number of conditions had been suggested and the applicant had been compliant throughout the process and the Environmental Protection Unit were satisfied that the proposed conditions would be sufficient to address the noise problem at the premises.

4. The representations of the holder of the premises licence, including the fact that he accepted that there had been incidents during which the rear fire door had been left open, and consequently noise levels had been audible outside. He advised that he had now put safeguards in place to ensure the door stayed closed. He advised that he had also taken steps to sound proof the premises further by installing appropriate sound systems. He advised that he was happy to accept the proposed conditions to his licence.
5. The representations made by a representor in writing and at the hearing. The sub-committee considered this representation to be relevant to the issues raised and the licensing objectives listed above, as the representor lived in close proximity to the premises and raised concerns regarding noise coming from the establishment.
6. The representations made by North Yorkshire Police in writing.

Having regard to the application and any relevant representations, the sub-committee had to determine whether to take any of the steps mentioned under Section 52(4) that it considered necessary for the promotion of the Licensing Objective the Prevention of Public Nuisance.

Members were presented with the following options:

- Option 1. Modify conditions of licence (ie alter, omit or add any condition including a requirement to display a notice explaining the outcome of the review).
- Option 2. Exclude a licensable activity from the scope of the licence.
- Option 3. Remove the designated premises supervisor.
- Option 4. Suspend the licence for a period not exceeding three months.
- Option 5. Revoke the licence.

Members also had the option of issuing a “yellow card” which would be a warning as to future conduct and may accompany the options above. Members also had the option of taking no action if they did not consider it necessary to do so for the promotion of Licensing Objectives.

Members chose to modify the conditions of the licence (Option 1) and this was to include the requirement to display a notice explaining the outcome of the review.

The following conditions, as suggested by the Environmental Protection Unit, were added to the licence:

1. All music in the basement area shall be via the dBX DriveRack PA noise limiter or similar noise limiter to be agreed with City of York Council's Environmental Protection Unit prior to use.
2. Prominent, clear and legible signs shall be displayed in the DJ area to inform DJs that all music is to be played through the noise limiter provided.
3. An alarm system shall be installed and be operational during hours of opening to the public which alerts staff when the rear fire door has been opened.
4. Prominent, clear and legible notices shall be displayed on all fire exits stating that fire exits are for emergency use only.
5. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These checks shall be undertaken outside the building to the front and rear to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with Condition 9.
6. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for three years.
7. All windows and doors opening onto the rear car park area of the premises shall be kept closed during regulated entertainment.
8. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
9. No music or amplified sound shall be audible at the boundary of the car park to the rear of the premises.
10. During hours the premises is open to the public, fire doors shall be fitted with non-locking restrictions which prevent their opening except in an emergency.
 - Existing licence Condition 9 will be deleted as it is superseded by the above conditions.
 - Members requested that the requirement to display a notice in a prominent position inside the premises, detailing the outcome of the review shall apply. The notice shall be agreed with the licensing authority and thereafter shall be displayed for a minimum of six months.

- Given the willingness and co-operation of the establishment to seek a satisfactory solution the sub-committee did not deem it appropriate to issue a yellow card at this time.

RESOLVED: That, in line with Option 1, the conditions of the licence be modified.

REASON: To address the representations made.

Councillor Moore Chair

[The meeting started at 10.00 am and finished at 11.10 am].