
MEETING	LICENSING HEARING
DATE	21 OCTOBER 2010
PRESENT	COUNCILLORS MOORE, REID AND LOOKER

115. CHAIR

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

116. DECLARATIONS OF INTEREST

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

117. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 23rd August 2010 be approved and signed by the Chair as a correct record.

118. THE DETERMINATION OF AN APPLICATION BY LUNCHBOX THEATRICAL PRODUCTIONS FOR A PREMISES LICENCE SECTION (18)(3)(A) IN RESPECT OF YORK DESIGNER OUTLET CAR PARK, ST. NICHOLAS AVENUE, FULFORD, YORK, YO19 4TA . (CYC-017400)

Members considered an application by Lunchbox Theatrical Productions for a premises licence in respect of the Ice factor, York Designer Outlet car park.

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.
2. The Licensing Officers report and his comments made at the hearing. He advised that the application is for the coach park area of the Designer Outlet. The Ice Rink would not require a licence as it is a sporting activity, but that a licence is required **for live music**,

recorded music and the sale of alcohol. He advised that the operating schedule had 41 self imposed conditions and that the applicant had successfully operated the Ice Factor at the Eye of York. The application had been advertised correctly and the applicant had agreed to accept conditions suggested by the Environmental Protection Unit and North Yorkshire Police.

3. The applicants representations at the hearing including the fact that this application had been brought about due to the requirement to relocate the Ice Rink after 5 years at the Eye of York. Members were advised that many schools and local clubs use the ice rink and that it is a very popular event. The applicant is confident that the event would not cause problems at the Designer Outlet Car Park and highlighted the 41 conditions contained within the operating schedule. It was agreed that residents meetings for the duration of the event would be held with the first meeting scheduled for the following week with the Ward Councillor due to attend.
4. The representations made by a local resident, Fulford Parish Council and the Ward Councillor in writing. The representations were considered relevant as they had raised concerns relating to the potential for an increase in public nuisance in the area, should the application be approved.

Having regard to the evidence and representations received, the Sub Committee considered the steps which were available for them to take under Section 72 (4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives.

Members were presented with the following options:

- Option 1: Grant the variation of the certificate in the terms applied for and including any applicable mandatory conditions as set out in ss73, 74 and 75 of the Licensing Act 2003.
- Option 2: Grant the variation of the certificate with modified/additional conditions imposed by the Licensing Committee including any applicable mandatory conditions as set out ss73, 74 and 75 of the Licensing Act 2003.
- Option 3: Grant the variation of the certificate to exclude any of the qualifying club activities to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions as set out ss73, 74 and 75 of the Licensing Act 2003.
- Option 4: Reject the application.

Members chose to grant the variation of the certificate with modified/additional conditions imposed by the licensing committee (Option 2). Members imposed the following conditions:

1. All off-sales shall be made in sealed containers.

2. Documented patrols be carried out by members of staff or volunteers at no less than hourly intervals whilst live or amplified music is being played. These checks shall be undertaken on the public footpath outside the nearest residential premises on Naburn Lane to check for noise coming from the premises. These documents should be available on request for inspection by authorised officers of City of York council.
3. Direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
4. A documented procedure for investigating noise complaints received by Ice factor shall be submitted prior to commencement and approved by the City Council prior to operation and shall be implemented.
5. No music or amplified sound shall be audible on the public footpath outside the nearest residential premises on Naburn Lane.
6. The playing of recorded music shall be restricted to the hours 09:00 – 21:30 on any day.
7. The playing of live music shall be restricted to the hours of 12:00 – 18:00 on any day other than the opening day on 12 November where the hours shall be restricted to 12:00 – 21:00.
8. The Licence shall not come into force until an amended plan showing the changes to the skating facilities plan submitted with the application form is received by the Licensing Authority.
9. The premises to which this licence relates are shown on the plan at Annex 6 of the Licensing Officers report on page 63 of the agenda.

The 41 conditions offered by the applicant in the operating schedule shall apply unless contradictory to any of the above.

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

REASON: To address the representations made.

Councillor Looker, Chair

[The meeting started at 10.00 am and finished at 10.50 am].