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MEETING	LICENSING HEARING
DATE	4 JULY 2011
PRESENT	COUNCILLORS BOYCE, LOOKER AND SEMLYEN
APOLOGIES	COUNCILLORS

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**1. CHAIR**

RESOLVED: That Councillor Boyce be elected as Chair of the Hearing.

**2. INTRODUCTIONS**

**3. DECLARATIONS OF INTEREST**

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

**4. THE DETERMINATION OF AN APPLICATION BY LUNCHBOX THEATRICAL PRODUCTIONS FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF ICE FACTOR, DESIGNER OUTLET COACHES AND CAR PARK, ST NICHOLAS AVENUE, YORK. (CYC-018431)**

Members considered an application by Lunchbox Theatrical Productions for a premises licence in respect of the Designer Outlet Car Park, 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 public nuisance. The following were taken into account:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She advised that the application was for a new grant as the previous licence had been for a limited duration and had expired in January 2011.

3. Representations made by the applicant at the hearing including that the Ice Factor had proved successful at the Designer Outlet location and that Lunchbox Theatrical productions had worked hard to ensure it had operated satisfactorily alongside its new neighbours. It was advised that staff had worked hard to ensure noise was within the agreed limits and that they would continue to do so.
4. The representations made by a local residents in writing and at the hearing. The representations were considered relevant as they raised concerns relating to noise nuisance.
5. The representations made by Fulford Parish Council in writing.

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 imposed by the licensing committee.
- 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 to the licence:

1. The Licence shall be operated only between 15 November to 15 January annually.
2. No music or amplified sound shall be audible on the public footpath outside the nearest residential premises on Naburn Lane Fulford.
3. Documented patrols shall be carried out by members of staff or volunteers once during the morning (between 9am and 1pm) once during the afternoon (between 1pm and 5pm) and twice during the evening (between 5pm and

10pm) 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, Fulford to check from noise coming from the venue. These documents shall be available on request for inspection by authorised officers of City of York Council.

4. Staff and volunteer training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept and made available on request for inspection by authorised officers of City of York Council.
5. A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.
6. A documented procedure for investigating noise complaints received by The Ice Factor shall be submitted to and approved by the City of York Council within two months of the licence being granted and once approved it shall be implemented.
7. Off sales shall be in sealed containers.

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

REASON: To address the representations made.

Councillor Boyce, Chair

[The meeting started at 2.30 pm and finished at 4.25 pm].