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MEETING	GAMBLING, LICENSING & REGULATORY COMMITTEE
DATE	19 DECEMBER 2011
PRESENT	COUNCILLORS DOUGHTY, GILLIES (VICE-CHAIR), HYMAN, KING, LOOKER, MERRETT, ORRELL, RICHES, SEMLYEN AND RICHARDSON
APOLOGIES	COUNCILLORS BOYCE, CRISP, JEFFRIES, TAYLOR AND WISEMAN

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**16. 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.

**17. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That Members agreed to exclude the press and public during any consideration of Annexes 3 to agenda items 5 and 6.

**18. MINUTES**

RESOLVED: That the minutes of the Gambling Licensing and Regulatory Committee held on 21 November 2011 be approved and signed by the Chair as a correct record.

**19. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council Public Participation Scheme.

The applicants were present in order to answer any queries Members may have.

**20. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)ACT 1982, SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009 - GRANT OF SEX ESTABLISHMENT LICENCE FOR BOHEMIA, 127 MICKLEGATE, YORK, YO1 6LB.**

Members considered a report which asked them to determine an application for the grant of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Bohemia, 127 Micklegate, York, YO1 6LB.

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

1. The application form.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for the grant of a licence following the Council's adoption of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, which allowed local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops. Members were advised that the establishment had been operating since May 2007 without incident.
3. The objections received in writing from two local residents.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

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 Gambling and Regulatory Committee.
- Option 3 Reject the application.

The Committee approved **Option 2** imposing the following condition regarding the operating hours:

Monday – Sunday 21:00 – 04:00 hours

York Race Days Only 21:00 – 04:30 hours

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

REASON: To address the representations made.

**21. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009 - GRANT OF SEX ESTABLISHMENT LICENCE FOR UPSTAIRS (MANSION), 53-55 MICKLEGATE, YORK, YO1 6LJ.**

Members considered a report which asked them to determine an application for the grant of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ.

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

4. The application form.
5. The Licensing Managers report and her comments made at the hearing. She advised that the application was for the grant of a licence following the Council's adoption of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, which allowed local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops. Members were advised that the establishment had been operating without incident for a number of years, although the nightclub situated on a lower floor of the building had been subject to a licence review hearing.
6. The objections received in writing from two local residents.

Members raised concerns as the nightclub at the premises had been subject to a licence review in the past, and the close proximity of the premises to residential properties.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

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 Gambling and Regulatory Committee.

Option 3 Reject the application.

The Committee approved **Option 2** imposing the following condition regarding the operating hours:

Monday – Sunday 21:00-03:00 hours

Normal operating hours shall apply on York Race Days.

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

REASON: To address the representations made.

Councillor Gillies, Chair

[The meeting started at 5.00 pm and finished at 5.35 pm].