



Notice of a public meeting of

Licensing/Gambling Hearing

To: Councillors Hook, Knight, and Nicholls

Date: Tuesday, 6 May 2025

Time: 11.00 am

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

- 1. Chair**
To elect a Member to act as Chair of the meeting.
- 2. Apologies for Absence**
To receive and note apologies for absence.
- 3. Introductions**
- 4. Declarations of Interest** (Pages 13 - 14)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

5. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

6. Minutes

(Pages 15 - 20)

To approve and sign the minutes of the Licensing Hearing held on 16 January 2025.

7. The Determination of an Application by Helen Heraty for Variation of a Premises Licence [Section 35(3)(a)] in respect of Grays Court Hotel, Chapter House Street, York, YO1 7JH (CYC-18630)

(Pages 21 - 130)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

- Telephone – (01904) 55 4447
- Email - reece.wiliams@york.gov.uk

For more information about any of the following, please contact the Democratic Services officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

Alternative formats

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination

or disposal of any Appeal. The live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. The Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
7. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.
8. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.
11. The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the

application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
13. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. All paperwork relevant to the hearing will be published online on the Council's website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

16. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
17. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
18. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
19. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

23. The Chair will outline the procedure to be followed.

24. The Chair will proceed with the order of business on the agenda.

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

27. The Chair will invite the Applicant and/or their representative to address the Sub-Committee, present information in support of the application and call any witnesses to support their application, one witness at a time [*maximum 15 minutes*].

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case [*maximum 5 minutes each party*] in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	16 January 2025
Present	Councillors Baxter, Melly, and Nicholls
Officers in attendance	Helen Sefton – Senior Licensing Officer Jodi Ingram – Legal Advisor

36. Chair (10:04am)

Resolved: That Councillor Melly be elected to act as Chair of the hearing.

37. Apologies for Absence (10:04am)

There were no apologies for absence.

38. Introductions (10:05am)

Introductions were made.

39. Declarations of Interest (10:06am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

40. Exclusion of Press and Public (10:06am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

41. Minutes (10:06am)

Resolved: That the minutes from the Licensing Hearing held on 24 October 2024 be signed and approved as an accurate record.

42. The Determination of an Application by Mr Klodian Dervishi for Determination of Application for Premises Licence [Section 18(3) (a) Licensing Act 2003] in respect of 14 Main Street, Heslington, York, YO10 5EA. (CYC-078890) (10:07am)

Members considered an application by Klodian Dervishi for a determination of application for Premises Licence [Section 18(3) (a) Licensing Act 2003] in respect of 14 Main Street, Heslington, York, YO10 5EA. In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the Hearing:

1. The prevention of crime and disorder.
2. Prevention of Public Nuisance.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it including the written representation received from a local resident on behalf of the Heslington Village Trust, and agreements made with North Yorkshire Police.
3. The Senior Licensing Officer's report and her comments at the Hearing.

The Senior Licencing Officer outlined the report and the annexes, noting that the opening hours of the premises and sale of alcohol hours applied for were from 08:00 – 20:00 hours from Monday to Saturday, and 10:00 – 16:00 hours on Sunday. The Senior Licensing Officer indicated that the report set out how the operating schedule submitted by the applicant would meet the licensing

objectives and that the premises was no located within the Cumulative Impact Area (CIA). Consultation had been carried out correctly, and the Senior Licensing Officer directed members to the conditions agreed with North Yorkshire Police within Annex 2, and the representation made by a local resident at Annex 4. She then advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representation at the hearing.

Klodian Dervishi (the Applicant) stated that the premises would primarily sell groceries as an individual business that could support the local community. He confirmed that he lived above the premises and that he therefore had a personal interest in not increasing the level of crime and disorder in the local area.

In response to questions from the Sub-Committee, Mr. Dervishi confirmed that:

- The size of the premises was 60 square metres and plans were ongoing to determine the layout of the shop.
- In regard to expected sales, alcohol was expected to make up 20-30%, tobacco products would make up around 20%, groceries would make up around 30-40%, and other non-food items would make up around 10%. Groceries would be the main driver of sales.
- Efforts would be made to avoid waste accumulating around the local area: A bin could be provided outside the shop to discourage littering.
- As he lived above the premises, he had a personal interest in not increasing the level of crime and disorder in the local area.

5. The representation of Nicholas Allen, a local resident on behalf of the Heslinton Village Trust, at the hearing.

Mr. Allen, on behalf of Heslinton Village Trust, stated that Heslinton was an attractive village within a conservation area. He noted how the character of Heslinton changed between daytime when local residents, visitors, and university students frequent Main Street, and nighttime

when the banks close and university students leave the area. He noted that local pubs had applied to extend their opening hours multiple times in previous years and had not been successful following concerns raised by local residents and the village trust. He stated that if the premises stayed open until 20:00 then the university students would visit it later on and the calm that was experienced in the area after 17:00 hours would be affected.

In response to questions from the Sub-Committee, Mr. Allen confirmed that:

- The granting of the premises to open until 20:00 would encourage local pubs to apply again for an extension to their opening and sale of alcohol hours.
- The character of the area changed significantly in the evenings from the daytime and that was more prevalent since the banks had closed on Main Street which had improved the calm seen in the evenings.

Mr. Allen was then given the opportunity to sum-up and stated that if the licence was granted with opening hours of up to 20:00 hours the Applicant would experience issues in keeping customers quiet.

In response to concerns raised by Mr. Allen, the Senior Licensing Officer confirmed that if issues were experienced and raised following a licence being granted, then a Review could be considered to investigate breaches of the licence.

The Applicant was then given the opportunity to sum-up and he stated that 20:00 hours was very early and he would try his best in managing individuals. He noted that people drink alcohol inside pubs and therefore create anti-social behaviour that would not happen in his premises due to the nature of the premises. He highlighted that the premises would be part of the local community and that an increase in anti-social behaviour was not expected.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to

them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was rejected.

Option 2: Grant the licence with modified/additional conditions imposed by the Sub-Committee. This option was approved.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was rejected.

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was rejected.

Option 5: Reject the application. This option was rejected.

In approving Option 2, The Sub-Committee granted the licence with the additional conditions agreed with North Yorkshire Police set out at Annex 2 of the Senior Licensing Officer's report.

Proposed Activity	Timings
Supply of Alcohol – off the premises	08:00 – 20:00 Monday to Saturday 10:00 – 16:00 Sunday
Opening Hours	08:00 – 20:00 Monday to Saturday 10:00 – 16:00 Sunday

Reasons

The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 (s182 Guidance) and the Council's own Statement of Licensing Policy.

The Sub-Committee noted the concerns that the representor put forward on behalf of the Heslington Village Trust in respect of the likely impact that the granting of the licence would have on the Crime and Disorder and Public Nuisance licensing objectives, particularly in the early evenings in a quiet village setting.

The Sub-Committee noted that the applicant had agreed additional conditions with the Police and on this basis the Police had withdrawn their representation. They had regard to the s182 Guidance which states that the Police will be the main source of advice on matters relating to crime and disorder and therefore they gave great weight to the fact that the police had withdrawn their representation.

The Sub-Committee were reassured by the applicant's presentation that the applicant had sufficient knowledge, understanding and experience to uphold and promote the licence objectives. The Sub-Committee were satisfied that the operating schedule proposed by the applicant is sufficient to promote the licensing objectives.

The Sub-Committee noted the closing times of 8pm Monday – Saturday and 4pm on Sundays and they were satisfied that the likely impact of the granting the licence would not undermine the Crime and Disorder and Public Nuisance licensing objectives in the evenings in the quiet village setting.

The Sub-committee were satisfied that the grant of the licence with the additional conditions agreed with the Police would not undermine the licensing objectives.

Cllr Melly, Chair

[The meeting started at 10.04 am and finished at 10.50 am].



Licensing Act 2003 Sub Committee

6 May 2025

Report from the Director – Environment, Transport & Planning

Section 35(3) (a) Application for variation of a premises licence at Grays Court Hotel, Chapter House Street, York, YO1 7JH

Summary

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 18630
3. Name of applicant: Helen Heraty
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises is a 12 bedroomed hotel with a cobbled courtyard, extensive gardens and is bounded by the City walls and the Minster.

The variation seeks to add the sale of alcohol for consumption off the premises in line with the current hours and permissions. The variation also seeks to add additional conditions, see para 13.

Licensable Activity	Existing	Variation requested
Supply of Alcohol – on the premises	10:00 to 23:30 Everyday 24 hours for hotel residents Christmas and New Years Eve until 01:00	Add off sales
Opening hours	Not restricted	No Change

Background

6. A copy of the application can be found at **Annex 1**.
7. A copy of the current licence is attached at **Annex 2**. The licence was granted on 30 August 2011.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

10. **General**

See Para 13.

11. **The Prevention of Crime and Disorder**

See para 13.

12. **Public Safety**

See Para 13.

13. **The Prevention of Public Nuisance**

- a. Alcohol sold for consumption outside the grounds of the hotel will be in sealed containers or bottles.
- b. Guests will be discouraged from drinking alcohol in the area coloured yellow on the plan accompanying this application unless it is part of a 'photography shoot' organised as part of an event at the hotel.
- c. A sign will be displayed on the gate at point 'Z' on the plan to read *"Guests are requested not to drink on this driveway and to take their drinks directly into the garden or, if staying there, directly to the Coach House"*.
- d. There shall be no access to guests or any other member of the public beyond the point marked 'Y' on the plan so that only members of staff (or third-party contractors used by the hotel) can access this area.
- e. Signs will be displayed at points 'W' on the plan so they can be seen by guests leaving the garden to read *"Guests are requested not to take drinks beyond this point"*.

14. **The Protection of Children from Harm**

See para 13.

Special Policy Consideration

15. This premises is not located within the cumulative impact assessment area.

Consultation

16. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition, the relevant ward councillors and/or parish council were notified by way of register.
17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. There are no representations from any Responsible Authorities.

Summary of Representations made by Other Parties

19. There have been 3 relevant representations received from other persons. The list of representors is attached at **Annex 4**.
20. The representations are predominantly based on the grounds of the prevention of public nuisance. They state that this objective will be undermined if the application is granted.
21. Copies of the representations is attached at **Annex 5**.
22. A map showing the general area around the venue is attached at **Annex 6**.
23. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 7**. The Legislation and Policy considerations can be found at **Annex 8**.

24. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
25. Option 1: Modify the conditions of the licence
26. Option 2: Reject the whole or part of the application. and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Analysis

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

Council Plan

30. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
31. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications, the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

32.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A

- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

33. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation, and potential financial penalty.
34. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

35. That Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report
Approved**



Date 09 April 2025

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form and plan
- Annex 2** - Copy of current licence and plan of licensable area
- Annex 3** - Overview of circumstances in which entertainment activities are not licensable
- Annex 4** - List of other persons - **CONFIDENTIAL**
- Annex 5** - Other persons representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation & Policy



York
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@york.gov.uk
Telephone: 01904 552422

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

JMS/017416/00004/GRAYSVPL

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Helen

Family name

Heraty

E-mail address

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Continued from previous page...

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Address

Building number or name	Grays Court
Street	Chapter House Street
District	
City or town	York
County or administrative area	
Postcode	YO1 7JH
Country	United Kingdom

Agent Details

First name	Poppleston Allen
Family name	Poppleston Allen
E-mail address	
Main telephone number	
Other telephone number	

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Continued from previous page...

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18**APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Continued from previous page...

The application is to permit the sale of alcohol for consumption off the premises to the same hours currently permitted for the sale of alcohol for consumption on the premises namely 10:00 to 23:30 7 days a week for non-hotel residents and 24 hours a day 7 days a week for hotel residents in limited circumstances namely:-

Alcohol supplied in sealed containers or bottles for consumption outside the grounds of the hotel; or

Alcohol supplied in open containers which may be consumed in the area shown coloured yellow on the plan accompanying this application

If the premises licence is amended to permit the sale of alcohol for consumption off the premises then the applicant requests that the following conditions are added to the premises licence:-

1. Alcohol sold for consumption outside the grounds of the hotel will be in sealed containers or bottles;
2. Guests will be discouraged from drinking alcohol in the area coloured yellow on the plan accompanying this application unless it is part of a "photography shoot" organised as part of an event at the hotel
3. A sign will be displayed on the gate at Point "Z" on the plan accompanying this application to read "Guests are requested not to drink on this driveway and to take their drinks directly into the garden or, if staying there, directly to the Coach House"
4. A sign will be displayed at "Points X" on the plan accompanying this application to read "No drinks to be taken beyond this point other than by Guests staying in the Coach House"
5. There shall be no access to guests or any other member of the public beyond the point marked "Y" on the plan accompanying this application and a secure means of access will be provided to the area hatched on the plan accompanying this application so that only members of staff (or third party contractors used by the hotel) can access this area
7. Signs will be displayed at Points "W" on the plan accompanying this application so they can be seen by guests leaving the garden to read "Guests are requested not to take drinks beyond this point"

This application is submitted because the Government easement permitting those premises licensed for on sales only can also sell alcohol for consumption off the premises until 2300 is due to end on 31st March 2025. The hotel has been able to take advantage of this easement since 22nd July 2020 without any cause of complaint from local residents nor from the Responsible Authorities but will not be able to do so after 31st March 2025. As a consequence, if a guest wants to take an alcoholic drink into the garden from the front of the hotel or to the Coach House (once it is complete) whilst they can do so, should they stop to have a drink in the driveway shown coloured in yellow on the plan accompanying this application on their way to the garden or on their way to the Coach House then the guest will have consumed alcohol, which was sold "on" the premises, "off" the premises. The alternative without any permission for off sales on the premises licence is for a guest to take their alcoholic drink upstairs, through the Long Room, down the external stairs and into the garden. Should a guest be staying in the Coach House then, with no permission for off sales on the premises licence, should a guest stop on their way from the main hotel to the Coach House and have a drink of an alcoholic drink on the driveway shown in yellow on the plan accompanying this application then again, alcohol which was sold for consumption "on" the premises" is being consumed "off" the premises. The Coach House itself on the other hand under the current premises licence now constitutes part of the premises for the purposes of "on" sales and the Coach House is an area where alcohol can be sold under the permissions held as part of the existing premises licence.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Continued from previous page...

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start 10:00

End 23:30

Start

End

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Standard hours are for the sale of alcohol for consumption on or off the premises to non-hotel residents and non-standard hours are 24 hours a day 7 days a week for hotel residents.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 00:00

End 00:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

[Empty text box for identifying conditions to be removed]

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

[Empty text box for reasons why failed to enclose licence]

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

See box d) below

b) The prevention of crime and disorder

See box d) below

c) Public safety

See box d) below

d) The prevention of public nuisance

Continued from previous page...

1. Alcohol sold for consumption outside the grounds of the hotel will be in sealed containers or bottles;
2. Guests will be discouraged from drinking alcohol in the area coloured yellow on the plan accompanying this application unless it is part of a "photography shoot" organised as part of an event at the hotel
3. A sign will be displayed on the gate at Point "Z" on the plan accompanying this application to read "Guests are requested not to drink on this driveway and to take their drinks directly into the garden or, if staying there, directly to the Coach House"
4. A sign will be displayed at "Points X" on the plan accompanying this application to read "No drinks to be taken beyond this point other than by Guests staying in the Coach House"
5. There shall be no access to guests or any other member of the public beyond the point marked "Y" on the plan accompanying this application and a secure means of access will be provided to the area hatched on the plan accompanying this application so that only members of staff (or third party contractors used by the hotel) can access this area
7. Signs will be displayed at Points "W" on the plan accompanying this application so they can be seen by guests leaving the garden to read "Guests are requested not to take drinks beyond this point"

e) The protection of children from harm

See box d) below

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

Fee amount (£)

315.00

DECLARATION

I/We understand that it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

Full name

Poppleston Allen

Capacity

Solicitors on behalf of the Applicant

Date

11 / 03 / 2025
dd mm yyyy

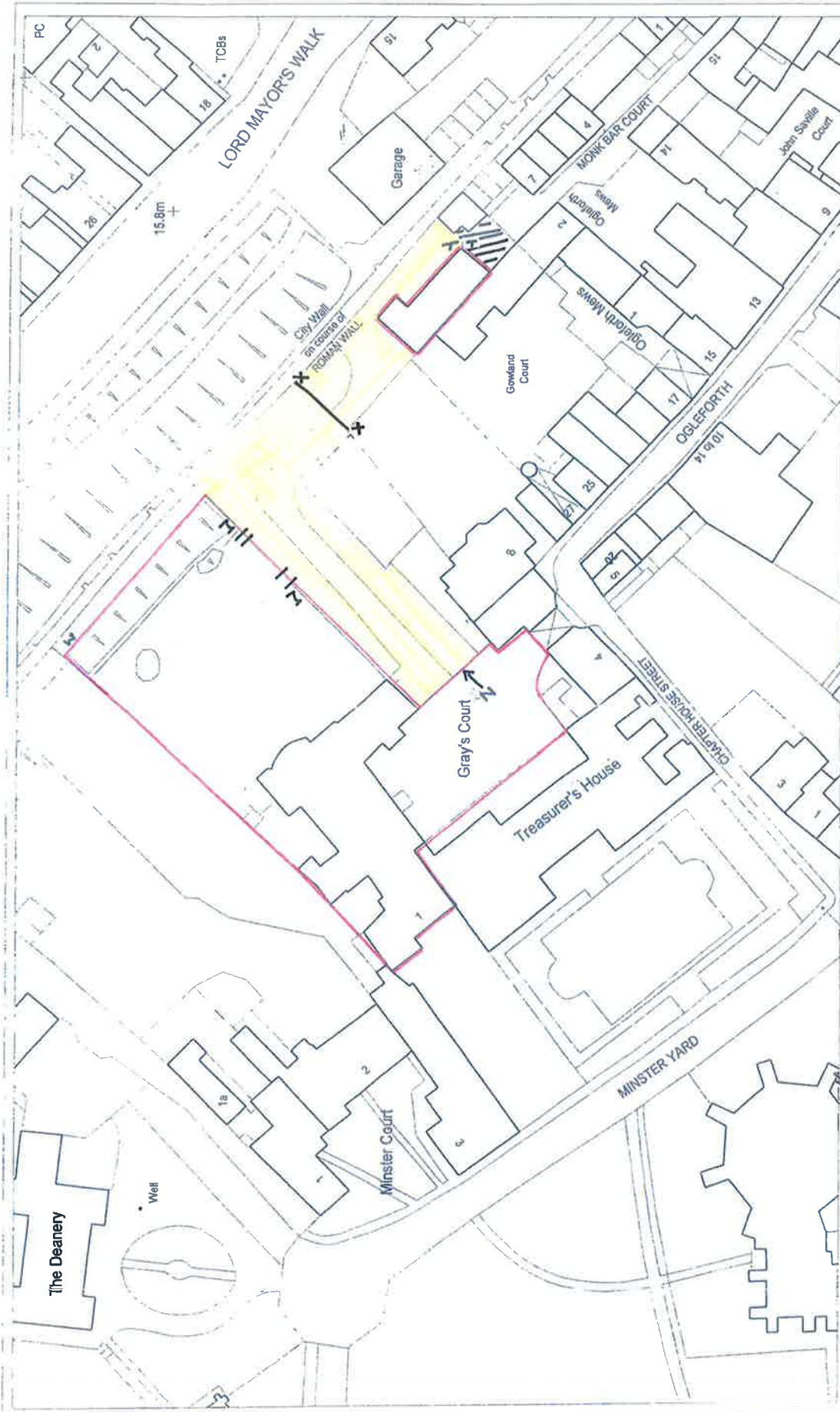
Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

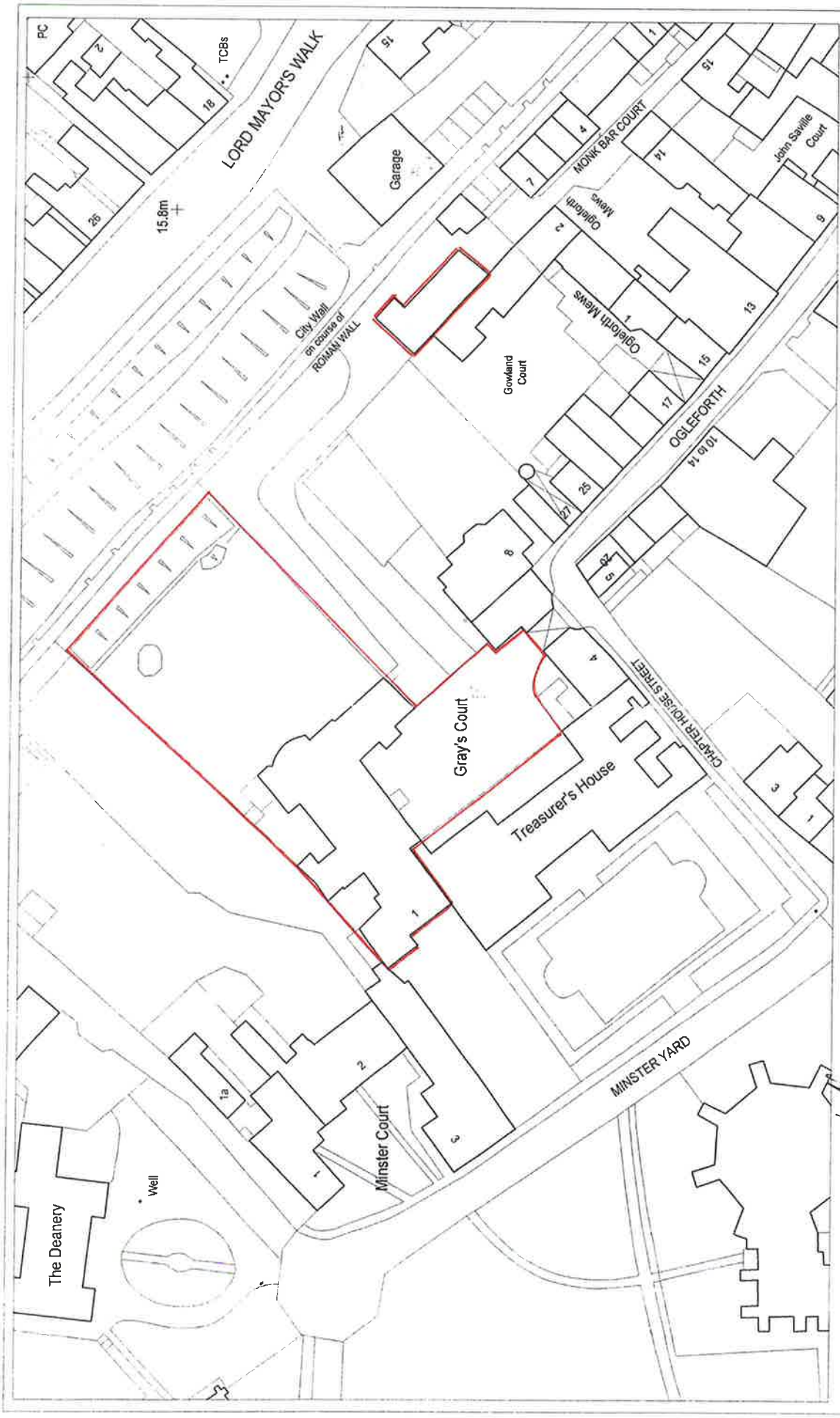



DATE: 31/02/2011
 DRAWN BY: PSJ
 SCALE: 1:1000
 PROJECT: PSJ
 CITY OF YORK COUNCIL

CITY OF YORK COUNCIL
 9 St Leonards Place, York, YO1 2ET
 Telephone: 01904 551950

26/11/11

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 Project: _____
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CITY OF YORK COUNCIL
 9 St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

11/12/12

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 018630

Postal address of premises:

**Grays Court
Chapter House Street**

Post town: **York**

Post code: **YO1 7JH**

Telephone number: 01904 612613

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Plays
Films
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

PLAYS

Indoors and Outdoors

Monday
10:00 - 22:30

Tuesday
10:00 - 22:30

Wednesday
10:00 - 22:30

Thursday
10:00 - 22:30

Friday
10:00 - 23:30

Saturday
10:00 - 23:30

Sunday
10:00 - 22:30

FILMS

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

LIVE MUSIC

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

RECORDED MUSIC

Indoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

PERFORMANCES OF DANCE

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 23:30	Tuesday 23:00 - 23:30	Wednesday 23:00 - 23:30	Thursday 23:00 - 23:30
Friday 23:00 - 23:30	Saturday 23:00 - 23:30	Sunday 23:00 - 23:30	

SUPPLY OF ALCOHOL

Monday 10:00 - 23:30	Tuesday 10:00 - 23:30	Wednesday 10:00 - 23:30	Thursday 10:00 - 23:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 23:30	

Non Standard Timings for Plays, Films, Live Music, and Performances of Dance:

Indoors - Christmas Eve and New Year's Eve until 01:00 hours.

Outdoors – 10:00-21:00 each day only.

Non Standard Timings for Recorded Music:

Christmas Eve and New Year's Eve until 01:00 hours

Non Standard Timings for Late Night Refreshment:

Available 24 hours for Hotel residents.

Non Standard Timings for Supply of Alcohol:

Christmas Eve and New Year's Eve until 01:00 hours

Available 24 hours for Hotel residents.

The Opening Hours of the Premises

Monday to Sunday
24 hours

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Name: Mrs Helen Mary Heraty

Address: Grays Court
Chapter House Street
York
YO1 7JH

Telephone number: 01904 612613

Email address: helenheraty@googlemail.com

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mrs Helen Mary Heraty

Address:

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC 015893

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage

- or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- a) a holographic mark, or
- b) an ultraviolet feature.
7. The responsible person must ensure that –
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- i. beer or cider: ½ pint;
- ii. gin, rum, vodka or whisky: 25ml or 35ml; and
- iii. still wine in a glass: 125ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$ where –
- i. P is the permitted price,
- ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of section 4 of that Act.

2. But nothing in subsection (1) requires such a condition to be imposed -

- a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
- b) in respect of premises in relation to -
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section -

- a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
- b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. There shall be no 18th birthday celebrations.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls.
2. The only licensable activity in the Coach House will be the supply of alcohol to residents of the Coach House.
3. Bottles shall not be placed in the bins between 20:00 hours and 09:00 hours on each and every day.
4. CCTV will be installed to cover the front entrance of the premises. It will be maintained, working 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. Cameras should be positioned so to capture images of customers as they enter the venue via the front entrance from the courtyard.
5. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of request
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
8. Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
9. Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customer's care.
10. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the Premises Licence and the operating times of the venue. Such records shall be kept for at least three years and they will be made available upon a reasonable request from any Responsible Authority.
11. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
12. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for one year.
13. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the area quietly.
14. There shall be no recorded music outdoors.
15. Noise and vibration shall not emanate so as to cause a nuisance at nearby sound sensitive properties.

16. Regulated entertainment in the form of recorded and/or live music indoors shall be restricted to the Bow Room as shown on the plan GC02. All windows in the Bow Room and the door between the Bow Room and the Long Gallery room shall remain closed at all times during regulated entertainment, other than for emergency escape.

17. Plays, films and performance of dance externally shall cease at 21:00 hours on every day of the week.

18. Live music externally shall not use electronic amplification and shall cease at 21:00 hours on every day of the week.

19. Documented patrols shall be carried out by members of staff at no less than hourly intervals whilst live or recorded music is being played. These checks shall be undertaken around the perimeter of the premises and findings recorded. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of the City of York Council upon request.

20. A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.

21. A documented procedure for investigating noise complaints received by Grays Court shall be submitted to and approved by the City of York Council within 2 months of the licence being granted and once approved it shall be implemented.

22. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

23. The maximum capacity for any event of function taking place on the premises shall not exceed 40 persons, excluding staff.

Annex 4 – Approved Plan

Plan Number's GC 01, GC 02 and GC 03

For and on behalf of
The Corporate Director of Place

Date: 30/08/2011
23/11/2023 (Variation)

Licensing Team
Hazel Court
York
Y010 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 018630

Postal address of premises:

**Grays Court
Chapter House Street**

Post town: **York**

Post code: **YO1 7JH**

Telephone number: 01904 612 613

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Plays
Films
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

PLAYS

Indoors and Outdoors

Monday

10:00 - 22:30

Tuesday

10:00 - 22:30

Wednesday

10:00 - 22:30

Thursday

10:00 - 22:30

Friday

10:00 - 23:30

Saturday

10:00 - 23:30

Sunday

10:00 - 22:30

FILMS

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

LIVE MUSIC

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

RECORDED MUSIC

Indoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

PERFORMANCES OF DANCE

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 23:30	Tuesday 23:00 - 23:30	Wednesday 23:00 - 23:30	Thursday 23:00 - 23:30
Friday 23:00 - 23:30	Saturday 23:00 - 23:30	Sunday 23:00 - 23:30	

SUPPLY OF ALCOHOL

Monday 10:00 - 23:30	Tuesday 10:00 - 23:30	Wednesday 10:00 - 23:30	Thursday 10:00 - 23:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 23:30	

Non Standard Timings for Plays, Films, Live Music, and Performances of Dance:

Indoors - Christmas Eve and New Year's Eve until 01:00 hours.

Outdoors – 10:00-21:00 each day only.

Non Standard Timings for Recorded Music:

Christmas Eve and New Year's Eve until 01:00 hours

Non Standard Timings for Late Night Refreshment:

Available 24 hours for Hotel residents.

Non Standard Timings for Supply of Alcohol:

Christmas Eve and New Year's Eve until 01:00 hours

Available 24 hours for Hotel residents.

The Opening Hours of the Premises

Monday to Sunday
24 hours

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On the premises

Name and (registered) address of holder of premises licence:

Name: Mrs Helen Mary Heraty

Address: Grays Court
Chapter House Street
York
YO1 7JH

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Helen Mary Heraty

State whether access to the premises by children is restricted or prohibited

A challenge 25 policy will be in operation.

For and on behalf of
The Corporate Director of Place

Date: 30/08/2011
23/11/2023 (Variation)

Licensing Team
Hazel Court
York
Y010 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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From:
Sent: 08 April 2025 18:11
To: licensing@york.gov.uk
Subject: Licensing at Gray's Court - Helen Heraty

Categories:

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Helen Sefton

I wish to object to the above Application.

1. The Application as presented would allow residents at the Coach House to consume alcohol purchased from the outside of the property. At present alcohol consumed at the Coach House is limited to indoors only (i.e. on sales). As the Coach House is adjacent to our property and, as residents they are entitled to 24/7 sales, guests at the Coach House could consume alcohol outside until the early hours of the morning.
2. The Applicant does not propose any curfew for Coach House residents or any controls on their consumption at all on the driveway or at the Coach House. One might see conditions such as the following, if the application was granted:
 - a. Drinks sold by the hotel for consumption in the Coach House shall be in sealed containers only.
 - b. Signage shall be placed within the Premises prohibiting the consumption of alcohol on the driveway or in external areas.
3. Guests defying the signage will not be committing an offence, nor will the Premises therefore this proposed signage solution has no teeth and will not mitigate the risk of a noise nuisance arising. Therefore any conditions such as the ones above or proposed in the Application are unsatisfactory and do not meaningfully promote the Licensing Objectives.
4. An alternative to bring the driveway within the permitted area of the premises licence is not acceptable due to the implications this would have on live and recorded music in that area. Customers transporting their drinks via the hotel is the most reasonable and proportionate solution.
5. Although the Applicant suggests that purpose of the off sale is to allow convenience to people on site, there is no limitations on who may purchase alcohol and therefore this application is in effect creating a late off-licence in the centre of York, indeed next to the Minster, and may therefore lead to nuisance and disorder associated with customers attending the venue in the late evening only for the purpose of purchasing alcohol. A further condition may be requested as follows:
 - a. Alcohol sold for consumption off the premises shall be limited to consumption within the grounds of the hotel only.

Yours sincerely,

Ogleforth
York

Sent from my iPad

2

Chapter House Street
York, YO1 7JH

Licensing Services
City of York Council
9 St. Leonard's Place
YO1 7ET

Only by email: licensing@york.gov.uk

8th April 2025

Dear Licensing

Application for a premises licence: Gray's Court, Chapter House Street, York, YO1 7JH
Applicants: Helen Mary Heraty

I refer to the above matter which is advertised on your website as having a final day for representations of 8th April 2025.

I live at the Chapter House Street, York, YO1 7JH, which is to the application premises.

This letter constitutes my representations opposing the application. I reserve the right to amplify any of the points raised in this letter at any subsequent hearing.

Background

2010 – First Application

The first licensing application at this site, which I opposed, was determined on 19th August 2010. At that time I and I were already residing at Chapter House Street, York and opposed the granting of a licence outright.

Although a licence was granted in the face of opposition, the Committee imposed time limitations and conditions upon the licence after a full airing of the issues. These measures persuaded me not to appeal that decision. I hoped that the Operator, Mrs. Heraty, would demonstrate through her actions her ability to operate the premises in compliance with the licence conditions, ensuring the promotion of the licensing objectives.

I was doubtful at that time this could be achieved especially in terms of preventing public nuisance and crime and disorder, nonetheless I respected the decision of the Committee.

I note that the Applicant choose not to appeal the decision also.

2011 – Second Application

Less than one year later an application to vary the licence was submitted by Mrs. Heraty to vary the terms of the licence. Although I had been party to the early proceedings, there was no pre-consultation in any way regarding their plans.

Again, I opposed this application and attach a copy of my representation of 13th July 2011 to this letter.

As stated in that letter, the variation application of 2011 was in essence an attempt to undermine by degrees the Committee's decision of 2010.

The Applicant is seeking to creep forward the hours of their licence without addressing the central issues which led to the imposition of such restrictions in the first instance.

This is demonstrated by the decision of the Committee to allow incremental advances to the licence, although not to the extent sought by the Applicant, in 2011.

I attach a copy of the 2011 Committee decision setting out their reasons for limiting the licence to its present terms.

Although disappointed that any extension had been permitted, I chose not to appeal the 2011 decision.

2018 – Third Application

A third application was submitted by Mrs Heraty in July 2018. Once again Mrs Heraty sought to incrementally extend the licence terms in respect of both hours and the trading areas.

I again opposed this application along with several other interested parties and a copy of my 2018 representation is attached to this letter for your information.

Following a lengthy hearing on Thursday 11th October 2018, the third application was refused outright by the Committee and a copy of the Committee's decision is also attached for your information.

2023 – Fourth Application

In 2023 a fourth variation application was submitted, which mirrored the third (2018) application again in respect of hours.

The fourth application did not seek to vary the area covered by the licence as they did in 2018.

That application was granted by the Committee at a Sub-Committee meeting on the 23rd November 2023.

Again, although disappointed that any extension had been permitted, I again chose not to appeal the 2023 decision in the hope that the Applicant would deliver on their statements to the Committee to address the concerns of myself and others as neighbours of the premises. In the past complaints raised by objectors regarding general nuisance around the operation of the hotel arising from deliveries, which block the road outside the premises and from noisy recycling collections at 6:30 am persist.

I do not feel the Applicant has made meaningful efforts to address concerns repeatedly raised with them over several years and Applicant and I conclude that any further relaxation of the Licence cannot and should not be tolerated.

2025 – Fifth Application

After the Applicant's persistence was rewarded by the Committee in 2023, the Applicant has returned to vary the licence again and expand the scope of the Licence further encroaching closer to the property boundary.

I note that in the Application the Applicant recites that the application is submitted "*because the Government easement permitting those premises licensed for on sales only can also sell alcohol for consumption off the premises until 23:00 is due to end on 31st March 2025.*

In my representation of 2023, I noted that the premises were currently exploiting the relaxations introduced by the Business & Planning Act 2020 (*the easement* referred in the Application) to permit customers to enter the driveway which abuts my home carrying alcohol under the authority of the off-sale relaxations implemented as a Covid measure by the Business & Planning Act 2020. This area was the subject of the 2018 application to allow customers to consume alcohol on the driveway. This proposal was rejected in 2018 by the Committee. The use of the Business & Planning Act was confirmed by Mrs Heraty in correspondence.

Although I accepted in 2023 and again now that was not unlawful. It is, in my opinion, against the spirit of the Business & Planning Act 2020. The Licensing Authority will be well aware that the Business & Planning Act 2020 excluded certain premises which had made application or had been refused permission to amend their licences to permit off-sales within the 3 years leading up to the Business & Planning Act 2020's introduction. The effect of this section was to ensure that the Licensing Authorities' earlier decisions were not circumvented or undermined.

The 2018 application did not, I accept, seek to add off-sales but the use of the land adjacent to my property was specifically considered in that application and the Committee took a decision to refuse that application on the grounds of prevention of public nuisance.

The Applicant has therefore circumvented the decision of the Committee by exploiting the Business & Planning Act 2020 in this way.

I would however again reiterate that I do not say that the Applicant is acting unlawfully, simply that this appears to be contrary to the spirit of the Act which sought to prevent previously contentious uses from the terms of the general relaxation.

Current Application – Addition of off-sales to the licence

The use of the driveway for the consumption of alcohol has been previously identified as a potential source of nuisance in 2018 and earlier in 2011, when the use of the area was considered by the Committee. In the Minutes of the 2011 meeting, the Committee commented:

"..... the written representations to be relevant to the issue raised under the licensing objectives listed above as concerns were raised in particular, regarding noise nuisance."

And again, in the 2018 decision, the following statement was included:

"The Sub Committee was satisfied that the evidence of the representors was sufficiently compelling to show that on the balance of probabilities the inclusion of the L-shaped drive and the extension of an hour during the week would undermine the licensing objectives of preventing public nuisance".

The Application describes two scenarios.

The first is the transport of alcoholic drinks to or from the currently licensed, but still undeveloped, 'Coach House' into the licensed areas.

The 'Coach House' has not been visibly progressed since the grant of planning permission in 2022. The issue therefore is limited in reality to the transport of alcohol from the front courtyard area of the

premises to the garden. As described in the application all active areas of the licence can be accessed without leaving the overall demise of the licence. When initially limited by the Committee, the Applicant described purpose of the application was to permit mini bars only.

I attach some recent images of the Coach House to show its current state of repair. It appears to me that in the past 3 years, the Coach House development has not moved forward to any significant degree.

The second is the transport of alcohol drinks by customers to or from the 'front of the hotel' into the licensed garden or to the undeveloped 'Coach House'.

Which is not a lengthy or arduous journey and from my own experience of other licensed premises I have often had to pass through a venue to reach a private garden located to the rear. The journey through the property, as opposed to the nuisance which will arise from drinking next to my kitchen window and beneath a bedroom window, could not be reasonably described as a disproportionate measure.

I am sure any reasonable person would accept this. I believe that the Applicant has held a licence for the premises since 2010 and this 'issue' has not manifested in the past 20 years or led to enforcement action against either the venue or members of the public. This leads me to the conclusion that the 'issue' is non-existent either because of public compliance or existing site management.

The concept of travelling through the premises or restricting the uses of certain areas (by curfew etc) is not a novel idea for licensed premises. Directing customers away from residential homes / areas, as in this case. The Committee has, through its earlier decisions, consistently maintained the driveway buffer/barrier between the Grays Hotel and my property. Due to the decision of the Committee in 2023 to extend the public trading hours, this need is increased, not diminished.

I note that the Applicant does not consider in their application customers taking drinks from the venue altogether, other than the drink should be in a sealed container as they leave.

This may well lead to customers leaving the venue into the late evening with alcohol which could be opened and consumed on the streets around the premises including under bedroom windows of my property.

A simple solution to the 'issue' the Applicant claims to be addressing would be to place signage at the entrance to the driveway (highlighted yellow on the Applicant's plan) indicating that no drinks are permitted beyond that point. In addition, a sign at the exit to the 'Coach House' (which can be added when it is developed) advising guests not to take alcohol outside.

The Applicant, in their proposed conditions, are already proposing several instructive signs around the premises (each with a different message).

My proposed solution is also signs, which are simple to understand and consistent.

Also, I note that a gate across the driveway at point 'z' on the Applicant plans is normally observed to be closed and locked. This route to the Garden is not usually open to guests, therefore the Applicant is proposing to introduce a new route to the garden, not preserve a route they have been using under the previous easement.

I note that the Applicant did not include a request for off-sale in their 2023 application, which could have easily been included. At the time of the 2023 application the easement was already scheduled to expire.

The proposed conditions require only signage and not compliance with the proposed restrictions. This may be because the Applicant recognizes, as I do, that micro-managing customers in this way would be almost impossible.

As the application is drafted the presence of signage would be sufficient to comply with the licence, customers drinking on the driveway 24 hrs a day would not be in breach of the licence. This would certainly lead to a noise nuisance.

As stated previously and identified by previous Sub-Committees the presence of guests on the driveway would, on the balance of probabilities, lead to a noise nuisance directly effecting my property.

In May 2024, an event at hotel involved live music. I attach a video demonstrating the noise experienced from musicians in the garden on that occasion. I am concerned that by 'Licensing' the area marked yellow on the Applicant's plan, live and recorded music would automatically be permitted on this ground, closer to my home.

I have tried to negotiate with the Applicant in the past if there have been many issues when I have tried to call the Hotel to resolve the issue but to no avail. I have also attempted to reach the Applicant via her mobile number, that she has previously supplied, again to no avail.

I have had to go around on numerous occasions, to complain regarding the noise and the Applicant has refused to engage reasonably with me. When I have tried to engage with the Applicant I have been abruptly asked to leave and to contact the Council directly and not to involve her directly again in anyway. I have therefore resorted to complaints to the Council in the hope of resolving the issue.

Although the Applicant, through her lawyers, has confirmed to the Committee that she is committed to a working relationship with her neighbours, her actions have suggested the opposite. As stated above, I have seen no improvement in the Applicant's approach towards their neighbours.

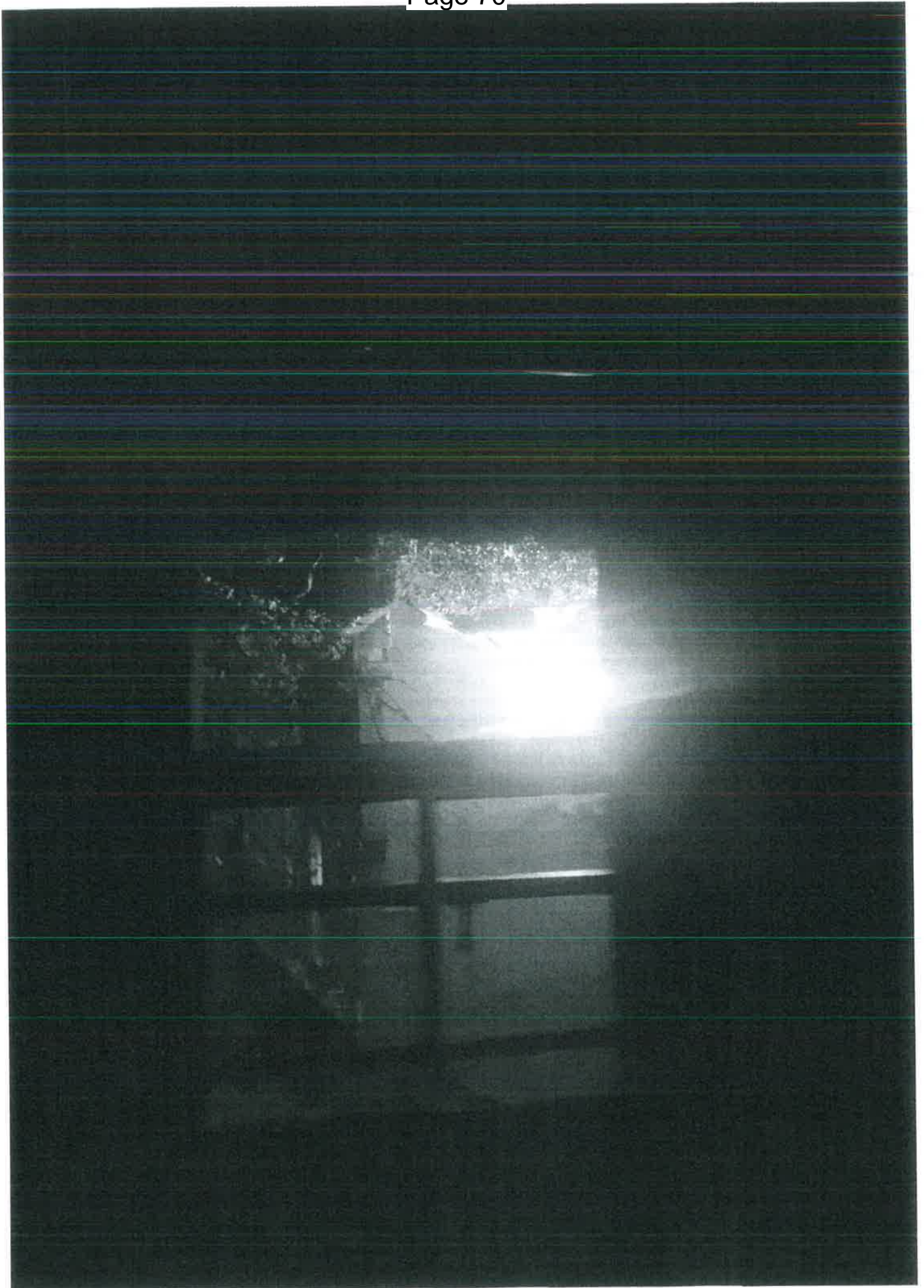
This Application appears to us to be a huge expense to resolve what is a very simple issue that could be resolved by the signage I have proposed above. This leads me to believe that the Applicant has other motives or plans linked to the Application.

I object to the proposed addition of an off-licence permission to the existing licence as this will lead to venue customers consuming alcohol and remaining longer on the driveway potentially 24 hrs a day.

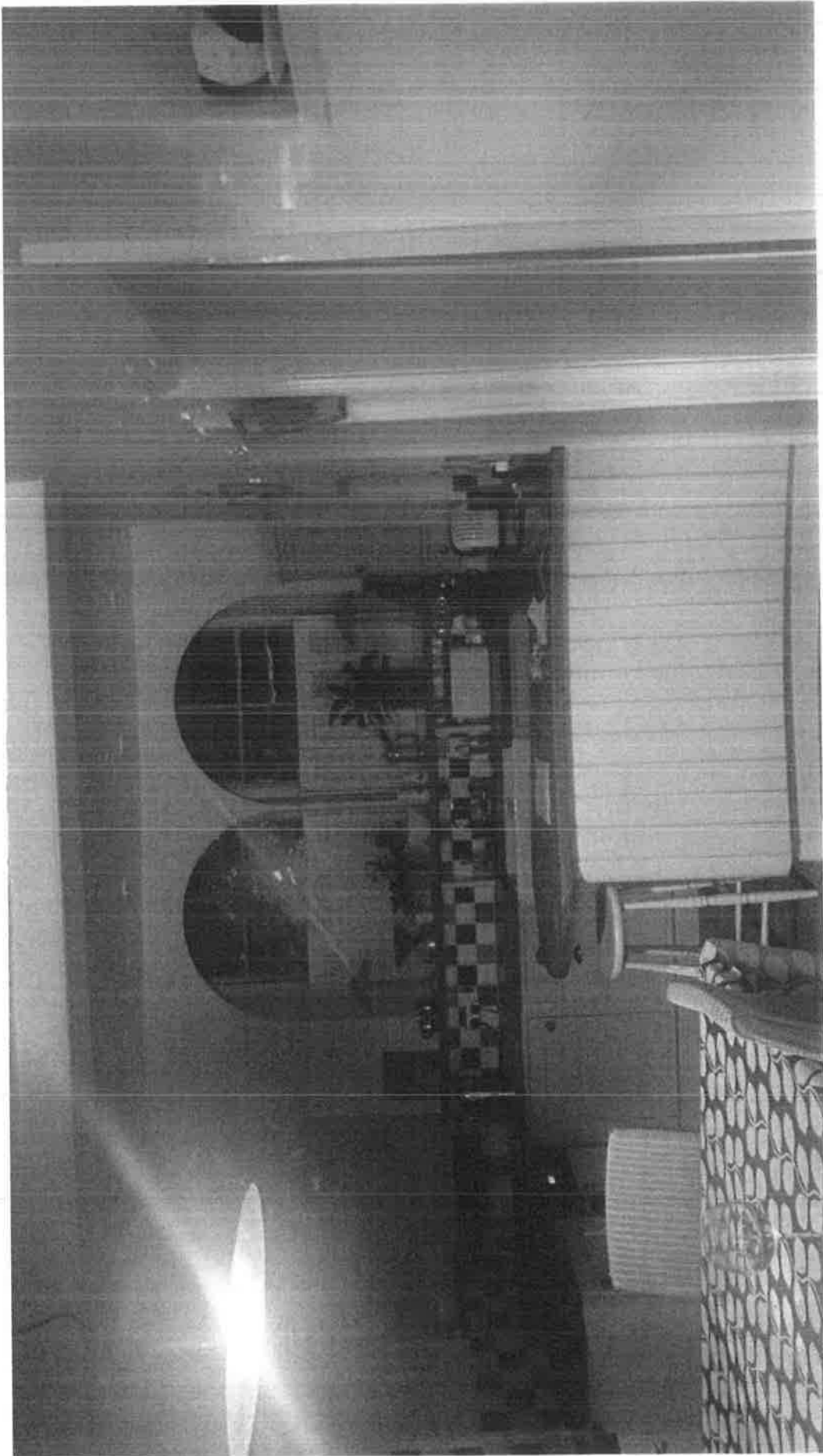
If the Application is granted, I request that the Committee prohibit any furniture of any kind, including benches, being placed on the driveway (marked yellow on the Applicant's plan) at any time and also applying a cap on no more than 6 persons on the driveway at any time.

I should be grateful if you would kindly acknowledge receipt of this representation.

Yours faithfully















Wellocks
the p

08444 993 444
wellocks.com

CE12 WRA







Chapter House Street
York, YO1 7JH

Licensing Services
Economy & Place Directorate
Public Protection
Hazel Court EcoDepot
James Street, York, YO10 3DS

14 August 2018

Also by email: licensing@york.gov.uk

Dear Sirs,

**Application for a premises licence: Gray's Court, Chapter House Street,
York, YO1 7JH**
Applicants: Helen Mary Heraty

I refer to the above matter which is advertised on your website as having a final day for representations of 15th August 2018.

I am writing on behalf of myself and my partner [redacted] We live with our daughter at [redacted] Chapter House Street, York, YO1 7JH, which is immediately adjacent to the application premises.

This letter constitutes our representations opposing the application. We reserve the right to amplify the any of the points raised in this letter at any subsequent hearing.

Background

The first licensing application at this site, which we opposed, was determined on 19th August 2010. At that time [redacted] and I were already residing at Chapter House Street, York and opposed the granting of a licence outright.

Although a licence was granted in face of our opposition, the Committee imposed time conditions and restrictions upon the licence after a full airing of the issues. These measures persuaded us not to appeal that decision. We hoped that the Operators, Mrs. Heraty and Mr. Edwards, would demonstrate through their actions their ability to operate the premises in compliance with the licence conditions; ensuring the promotion of the licensing objectives.

We were doubtful at that time this could be achieved especially in terms of preventing public nuisance and crime and disorder, nonetheless we respected the decision of the Committee.

We note that the Applicant choose not to appeal the decision also.

Less than one year later an application to vary the licence was submitted by Mrs. Heraty and Mr. Edwards to vary the terms of licence. Although we had been party to the early proceedings we were not pre-consulted in any way regarding their plans.

Again we opposed this application and attach a copy of our representation of 13th July 2011 to this letter.

As stated in that letter, the variation application of 2011 was in essence an attempt to undermine by degrees the Committee's decision of 2010. We feel this also be the effect of granting the proposed application.

The Applicant is seeking to creep forward the hours of their licence without addressing the structural issues which led to the imposition of such restrictions in the first instance.

This is demonstrated by the decision of the Committee to allow incremental advances to the licence, although not to the extent sought by the Applicant, in 2011.

We attach a copy of the 2011 Committee decision setting out their reasons for limiting the licence to its present terms.

Again disappointed that any extension had been permitted, we chose not to appeal that decision. We do not feel that any advance on the hours or relaxation of conditions can be tolerated.

Current Application - Variation of Conditions

The condition which the Applicant seeks to remove through this application was imposed in 2010 and retained/clarified in 2011 and reads:

"The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls."

The current licence only permits the sale of alcohol for consumption on the premises, off-sales are not permitted. The Applicant has not sought to vary this element of their licence through this application and cannot now do so in these proceedings.

The combination of the defined licence area and absence of off-sale ability does intentionally prohibit guests from carrying and consuming alcohol beyond the boundaries of the licence. It does not in our view criminalise any customer found to be in breach of the terms but it is the responsibility of the Applicant to manage the situation. Any criminal prosecution for breaching this condition, if instigated, would be against the licence holders.

It is therefore misleading to suggest that the Committee are criminalising members of the public.

It has always been and remains the responsibility of the licence holder to put into place systems to ensure the licence conditions are adhered to.

This condition is no more onerous than the position experienced by on-sale only premises across the Country who are obliged to prevent customers from walking 'off' the premises with alcohol.

In the minutes to the 2011 meeting the Committee considered:

"...the written representation to be relevant to the issues raised and the licensing objectives listed above as concerns were raised in particular, regarding noise nuisance."

In summary, our objections to the use of the 'excluded' areas are a result of their close proximity to our home and our daughter's bedroom window. We believe this will lead to a noise nuisance and undermine the relevant objective.

The preservation of York's historic buildings for future generations and their continued practical use is something we fully support; within the restrictions created by their listed status that such buildings are subject to.

Both Gray's Court and our home are listed buildings and therefore attenuation work would prove prohibitively difficult due to their listed status and the restrictions this imposes on building works.

These limitations mean in effect that noise breakout from premises can be a real issue as in this case.

The Committee have on two previous occasions recognised these limitations and imposed restrictions on the use of the external areas of Gray's Court and its hour of operation.

The issues which were present in 2010 and 2011 remain now.

In this case Gray's Court are the agent of change and it is incumbent upon them to provide solutions to the noise issues. We can see no way in which Gray's can attenuate noise from their grounds in a manner which will prevent a nuisance from arising in my property and other residential properties in the area.

We are further concerned by the impact of the Live Music 2012 on the proposed changes. At present, the excluded area is specifically excluded from the licence area and therefore the Live Music Act 2012 does not apply. By including the area the premises would be permitted to provide both live and recorded music in this area unfettered. The Committee are not permitted, we understand, to condition or limit the provision of live or recorded music save on application for Review of the premises licence.

Proposed changes to licensing hours designation.

The Applicant is seeking to extend the terminal hour throughout the week to match the additional hours permitted on Friday and Saturday evenings.

The Applicant also seeks, without explanation, to allow recorded music indoor and now outdoors at the venue.

We would object to any variation of the licence to expressly permit recorded music in external areas of the premises due to the obvious negative impact this could have on the licensing objective seeking to prevent public nuisance.

We anticipate that the Applicant may return with a further application to extend their hours on Friday and Saturday evenings, if this application were successful.

The current limitations on the hours, which distinguish between weekdays and weekends, were imposed in order to avoid a public nuisance and unnecessary disturbance to the residents in the locality. These limitations are necessary to avoid a nuisance in the late evening.

At the present time, despite statements to the contrary by the Applicant at previous Committee hearings, we experience prolonged periods of disturbance from dispersal noise. In particular taxis collecting Gray's Court customers from outside of our premises. This can often be ongoing for up to 90 minutes after the current licence hours. The noise from taxis drawing up and the hotel's customers talking loudly while awaiting collection have disturbed us on many occasions.

Again this application has been submitted without any prior consultation with myself or includes any explanation as to why the earlier decision of the Committee is no longer relevant or appropriate.

The Applicant offers no explanation as to how these changes will not adversely impact the licensing objectives. We have rehearsed on two previous occasions how noise from the premises will cause a nuisance within our home and other residential properties in the vicinity.

It is incumbent upon the Applicant to set out through their Operating plan their proposals on how to ensure the promotion of the licensing objectives, they have manifestly failed to do so.

In addition to noise arising from the operation of the premises during permitted hours we also suffer from noise arising from staff operations following the end of an event, as the premises is reset for the following day.

We have witnessed numerous occasions when current licence conditions, designed to avoid noise disturbance, have been breached in outrageous terms. One example is the Committee's condition preventing the placing of bottles in bins after 22:00hrs daily as recently as June this year. On that Occasion staff could be heard throwing bottles into bins after midnight causing a considerable noise nuisance, this was reported to York's Licensing section.

We have reported these breaches and disturbances to the proper authorities and am currently preparing a schedule for the Committee's consideration, these are in addition to the incidents cited in our letter of 13th July 2011 but demonstrate an ongoing disregard for the Committee's decisions.

The enforcement arms of the Council including Licensing and Noise Pollution Teams have been informed of noise issues and other breaches over the years. Due to their limited resources it has not always been possible for those Authorities to gather effective evidence. We have witnessed many instances of noise nuisance arising from the venue.

It is our case that the Applicant has failed to operate Gray's Court within the current terms of the licence and should not be rewarded with any enhancement to the licence.

We object to any extension of hours proposed by the Applicant as this will lead to an increase in noise from the venue later in the evening, which will constitute a nuisance.

We would be grateful if you would kindly acknowledge receipt of this representation.

Yours faithfully,

.....

CS

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Helen Heraty
Grays Court
Chapter House Street
York
YO1 7JH

Customer and Corporate Services
Directorate

Democratic Services
2nd Floor
West Offices
Station Rise
York YO1 6GA

18 October 2018

Dear Ms Heraty

Re: Licensing Sub-Committee Hearing – Application to Vary a Premises Licence in respect of Grays Court, Chapter House Street, York, YO1 7JH (CYC-018630). – Adjournd from Thursday 11 October 2018 at 10.00am

I am writing to inform you of the decision of the Licensing Sub-Committee which met to consider your application to vary a premises licence on 11 October 2018.

In considering your application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. Prevention of public nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The Licensing Manager's report and the comments of the Senior Licensing Officer given at the Hearing. The Senior Licensing Officer outlined the report noting the nature of the application which was to extend the existing licensed hours for all licensable activities for one additional hour to closing times Sunday to Thursday (which would bring the hours in line with existing hours

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for Friday and Saturday) and for an amendment of Condition 1 to include the L-shaped driveway within the licensed area. She outlined the information contained within the annexes to the report. She advised that the premises were not located in the special policy area. She reported that the consultation had been carried out correctly in accordance with the Licensing Act 2003.

The Senior Licensing Officer stated that City of York Council Public Protection (Environmental Protection) (EPU) made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence were to be granted in the terms applied for. Public Protection withdrew their representation after mediation with you and following your agreement to this condition being attached to the licence if granted by the Sub-Committee:

1. The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. The L-shaped driveway section shall be for alcohol only. The licensed area shall exclude the Bar Walls and the step access to the Bar Walls.

The Senior Licensing Officer noted the representations that had been made and she reported that there were no planning issues in relation to your application. She added that on 3 September 2018 a list of complaints received by CYC Licensing Section and Environmental Protection relating to Grays Court was circulated to Members and parties to the hearing and she noted that most of the complaints had been unsubstantiated. She ended by outlining the 4 options available to the Sub-Committee.

In response to Member questions, the Senior Licensing Officer clarified that:

- Music could be played if it came under deregulation.
- There had been two previous licences. This was a new grant and this is the first variation application.

Mr Grunert, Solicitor for Mr [redacted] and Ms [redacted] (Representors) referred to Section F of the Application Form (Annex 1) concerning the playing of recorded music and pointed out that you had requested that music be played indoors and outdoors. However, the current licence only allowed recorded

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music to be played indoors only. The Senior Licensing Officer apologised that this had not be referred to in the report.

3. The representations made by Mrs Johnson, solicitor on your behalf at the hearing. She said that the application was for a change to an additional hour Sunday to Thursday and the current hours to 22:30 were less than the 1964 Act; that you ran a high quality venue aimed at over those aged over 50+; that there was an absence of evidence that extending the licence by one hour would be detrimental to the licensing objectives; that the additional hour during the week would be in relation to a small restaurant at Grays Court with 22 covers; that you would like to develop the stable block into accommodation and that the stable block was currently licensed but could not be accessed from the main building, other than via the L shaped driveway.

Mrs Johnson outlined the background to the application, and she highlighted that the building was sold to you by the Dean and Chapter of York Minster on the understanding that the building would be developed for hotel use. She then went on update the Sub-Committee as to the history of the actions undertaken by Mr [redacted] which included review proceedings (with three other residents) which were unsuccessful.

Mrs Johnson stated that to refuse the application, the Sub-Committee needed to be confident that there was evidence to support the representations made. She claimed that the evidence was flimsy and there was no evidence and there had been no review proceedings over the last 7 years. She challenged the objectors to provide evidence. She then pointed out that subject to the agreement regarding the L shaped drive, there had been no objections from the responsible authorities. She added that the Senior Licensing Officer had noted that most of the noise complaints contained within the Freedom of Information (Fol) request from representors (contained within the hearing papers) had been unsubstantiated. She noted that this year there had been two instances of staff emptying bottles and she apologised for this.

Mrs Johnson then went through the noise complaints list detailing the date and nature of the complaints, whether they were justified and what action, if required was taken. She noted incidents where noise recording equipment had been offered to and declined by the complainant. She stated that there were nine unsubstantiated

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incidents. Mrs Johnson noted that there were no dates, time or evidence to support the claims made by the representors.

All were then given the opportunity to ask you questions, which Mrs Johnson responded to on your behalf. Members asked where the coach house was located and using the aerial photo provided by Mr Grunert as additional information prior to the meeting, the City of York Council (CYC) Legal Services Manager confirmed with all the location of the coach house.

Mr [redacted] (Representor) noted that in the recent application he had heard nothing to explain or justify the playing of recorded music outdoors. Mrs Johnson said that this was an error and she explained that under deregulation in 2012, the government introduced the Live Music Act which allowed live music until 23:00. Mr Grunert added that over the last two years music had come from functions at the venue and not from the 22 covers in the restaurant. Mrs Johnson replied that there was no evidence before the Sub-Committee to support this.

Mr [redacted] (Representor, [redacted]) asked if the courtyard and garden were part of the L shape. Using the map provided by the Senior Licensing Officer, Mrs Johnson explained that the whole of the driveway was required to be licensed. Mr Grunert explained that on the aerial photo, the Grays Court external areas including the courtyard were highlighted yellow, the 'L-Shaped' driveway was highlighted red and Mr [redacted] and Ms [redacted]'s garden (Mr Grunert's clients) was highlighted blue (the aerial photograph referred to is attached to this letter). Mrs Johnson stated that the entire driveway was part of the Grays Court garden and this was refuted by Mr [redacted]

Mr [redacted] asked what stage the coach house was at and Mrs Johnson noted that it was already licensed and that you would like to develop seven rooms in the coach house.

Sub-Committee Members then asked where the coach house was located and the CYC Legal Services Manager confirmed with each person present where the coach house was located on the aerial photograph.

Members asked how many functions were held at Grays Court and Mrs Johnson explained that she had not looked into this as there

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had been no complaints regarding functions substantiated. You then explained that there were 2-3 functions a week and weddings (of approximately 60 guests) every weekend during summer. There was also a small number of conferences and funerals.

4. The representations made by Mr [redacted] ([redacted]) in writing and at the hearing. He explained that it had been anticipated that Grays Court would have hotel use and he noted that the Minster itself had a licence and held different events to those at Grays Court. He noted that Grays Court was located in a very fragile part of the city and that the 2011 licence was appropriate, adding that the Grays Court gardens were framed by other buildings. Using the red highlighted 'L-Shaped' driveway on the aerial photo, he stated that the Minster had no objection to the first part of the 'L shape' being included in the licence variation.

Mr [redacted] noted that he was in attendance to represent the occupants of Minster owned properties to the west of the south side of the Grays Court area. He stated that if there was any relaxation of the licence application he would have no objection to the relaxation to the first part of the area being included in the licence and that the extension to the existing licensed hours for all licensable activities for one additional hour to closing times Sunday to Thursday was appropriate.

5. The representations made by Mr [redacted] and Ms [redacted] in writing and by Mr [redacted] and Mr Grunert, Solicitor on their behalf at the hearing. Mr Grunert explained that Grays Court was a residential premises for a number of years and was in use term time only until 2004. He referred back to the building's original use in the planning application. He noted that at no point had you said why you hadn't appealed any of the previous Sub-Committee Licensing hearing decisions. He stated that there was no mention of functions in your statement of case and that the Sub-Committee could condition that additional licensed hours could only apply to the restaurant.

Mr Grunert noted that because the representations were unsubstantiated, this did not mean that they were untrue and he asked why residents would decide to start complaining about Gray's Court. With regard to Mr [redacted] refusing visits from CYC, Mr Grunert noted that the visits from CYC usually took place

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several hours after a function had finished. Furthermore, with reference to the use of CYC sound recording equipment he noted that his clients would have to be put on a waiting list for the equipment. He added as currently operated, there was sporadic noise nuisance from Grays Court which would increase with the variation of the licence.

Mr Grunert stated that Licensing Policy did not define what the late night economy was and he noted that the special policy area was at the end of the street where Grays Court was located. He advised that his client would like no additional hours to be granted. Concerning the L-Shaped drive in Grays Court, Mr Grunert asserted that this was not a garden and was a gravel covered drive. He noted that the L shaped drive surrounded his client's property and that there was a 6-7ft wall delineating his client's property to your property and this should but did not provide a buffer to your property.

Mr Grunert referred to section L of the application form under which you are asked to identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking. In this section you stated that this would be:

'The inability to offer alcohol of late night refreshment beyond 22:30 and that a guest may breach the licence by stepping onto the drive with a drink in hand..this would allow a guest to move from the courtyard to the garden'

Mr Grunert said that there were a number of other entrances that would be manageable with a roped off area, adding that the coach house at the bottom of the garden was licensed but not habitable.

Mr Grunert then addressed the condition you agreed with CYC Public Protection (Environmental Protection). He expressed concern regarding the use of the L-shaped driveway section being for alcohol only as this could bring in greater deregulation because live or recorded music could be played until 23:00 pursuant to the 2012 Live Music.

[The hearing paused for a break at 11:15 and reconvened at 11:17]

6. The representations made by Mr [redacted] and Ms [redacted] in writing and by Mr [redacted] at the hearing. Mr [redacted] said that he would be

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concentrating on the L shaped drive way included in the application and he explained that he and his wife were the owners of [redacted] which was joined to the back of the Grays Court coach house. He noted that the coach house was licensed and that you would like your customers to have access via the driveway to the coach house. He pointed out that you had not got planning permission to use the coach house for accommodation and that the red line on the aerial photo was not accurate because the L shaped driveway went beyond the coach house from the gateway to the lane on Goodramgate to the windows on his house. Mr [redacted] then used the aerial photograph to show this. The CYC Legal Services Manager confirmed with each person present where on the aerial photograph Mr [redacted] was referring to. Mr [redacted] noted that should the Sub-Committee grant the licensing to the parallel point of the driveway, alcohol supply and consumption would be allowed closer to his property. This would mean that if the licence variation was granted, alcohol would be consumed outside his toilet, bathroom and kitchen windows. He explained that because the driveway was higher than [redacted] rt, this would allow guests at Grays Court to sit on the windowsills of his toilet, bathroom and kitchen windows whilst causing a public nuisance. He noted that you may not have been aware of this.

Mrs Johnson then asked the representors present a number of questions:

In response to a question from Mrs Johnson, Mr [redacted] confirmed that the tepee had been on the Minster grounds all summer. Referring to proposals to remove the exclusion of the L-shaped driveway and include this in the licensed area Mrs Johnson asked Mr [redacted] whether he accepted that this was a part of the application. Mr [redacted] confirmed that he did. In answer to Mrs Johnson, Mr [redacted] confirmed that he was concerned about the effect of the variation on the residential properties referred to in his written representation. Mrs Johnson then read out the addresses listed in the written representation pointing out only one resident had put in a representation and the resident closest to Grays Court had also not made representation.

In answer to the points raised by Mr Grunert, Mrs Johnson noted that you had chosen not to appeal the decisions of previous hearings as the fees had been prohibitive. She asked Mr Grunert to show one piece of relevant evident apart from the incidents with

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the bottle bins. Mr Grunert stated that they were general ongoing issues. When asked whether it was just his clients' word against that of Public Protection (Environmental Protection) Mr Grunert responded that his evidence was that the complaints were true.

Concerning the acoustic reports, Mr [redacted] explained that the equipment had not been able to be supplied by CYC. Mrs Johnson asked Mr [redacted] if he had appointed an independent noise consultant to which Mr [redacted] responded that CYC Public Protection did not accept this.

Mrs Johnson asked if Mr [redacted] was aware of condition 16 and Mr [redacted] noted that the windows were closed but the doors were open. Mr Grunert stated that his clients would like the back doors not to be used as an entrance to the premises and he confirmed that his clients were aware of condition 16. Mr [redacted] explained that when he phoned CYC at 23:00 no officers were available to attend.

In response to a question from Mrs Johnson, Mr [redacted] confirmed that the area outside his kitchen and bathroom was approximately 30ft.

Members then asked the Representors present a number of questions:

In response to a question from a Member, Mr [redacted] explained that in respect of the noise complaints, when a CYC officer attended in the licensed hours, the noise officers had to ascertain that the noise is from the area being complained about. He said the noise was directly outside his daughter's bedroom and that sometimes the noise went on until 01:30. He had contacted CYC but the noise recording equipment was not available.

A Member asked Mr [redacted] whether it was his view that an extension of the licensed area to include the whole of the L-Shaped area was still unacceptable to him. Mr [redacted] confirmed that it was.

A Member asked Mr [redacted] whether the sound equipment had been unavailable. Mr [redacted] confirmed that it was unavailable and he had been informed by CYC that he could not use his own sound recording equipment. Mr [redacted] noted that although CYC

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could put him on the waiting list for the sound recording equipment, it was difficult because he did not know when large functions were being held at Grays Court.

In response to a question from a Member, Mr [redacted] confirmed that he had kept a diary but was told by CYC noise officers that he could not use this as it had not been witnessed.

Mr [redacted] was and confirmed to a Member that when Grays Court had been sold to you that they had not specified what it could be used for.

Highlighting Annex 4 in light of the impact of the 2012 deregulation, Members asked the lawyers for their views on this. Mrs Johnson stated that they were two different issues and that you could play music on the driveway as it had been covered by deregulation.

At this point, the CYC Legal Services Manager clarified that the Public Protection (Environmental Protection) objection was only withdrawn if the following condition was attached to the licence if granted:

1) *The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. The L-shaped driveway section shall be for alcohol only. The licensed area shall exclude the Bar Walls and the step access to the Bar Walls.*

Mrs Johnson stated that you would give an undertaking that there would only be alcohol and no playing of live or recorded music on the L shaped drive. Mr Grunert stated that this was unenforceable and there would have been no complaints if there had been no issues. He added that his client would have no comfort from that undertaking and he noted that the perpendicular area went past his clients' bedroom. Mrs Johnson responded that the undertaking would have the desired effect.

The representors present then summed up. Mr [redacted] stated that he hoped that a compromise on the L shaped drive could be reached. Mr Grunert outlined the reasons why the noise from Grays Court could not be recorded and stated that his client did not orchestrate the representations made against the application. He explained that guests' dispersal into the area included in the application caused noise to his clients.

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Mr Grunert noted that because the representations were unsubstantiated, this did not mean that they were untrue. He highlighted that the complaints had come from different people which was evidence that the premises does cause noise. He added that a later time would mean later dispersal (the additional hour to closing times Sunday to Thursday). With reference to the L shaped drive being included in the variation, he stated that his clients objected outright to this. He said that Members would be disagreeing with the two previous refusals to include it if the licence was approved.

Mr [redacted] closed by stating that he had heard nothing in defence of his representation. He noted that whilst he shared the concerns of the other residents, he did not wish to disassociate from the other representations that had been made.

Mrs Johnson summed up your case by stating that the reason she had not referred to functions, was that these were held at weekends whereupon the premises was already licensed until 23:30. She noted that the Sub-Committee had to determine the application based on the evidence. She stated that Mr [redacted] had 7 years to ask CYC to put noise monitoring equipment in place. She questioned why Mr Mohan had not instructed noise consultants and stated that there was no evidence to support his claims.

Mrs Johnson noted that the police had not objected and that the Public Protection (Environmental Protection) had withdrawn their objection. She confirmed that you would not have any form of music on the L shaped driveway. She noted that there were no issues from Public Protection (Environmental Protection) in relation to danger to children. In summing up, Mrs Johnson referred to paragraph 9.12 of the S182 Statutory Guidance and asked the Sub-Committee to grant the licence.

Then, in response to a question from the CYC Legal Services Manager, you and Mr [redacted] confirmed that the exclusion of a lesser area of the L-shaped drive (as put forward by Mr [redacted]) was not acceptable to either of you.

As a point of clarification, a Member asked Mrs Johnson if you accepted that the objection from Public Protection (Environmental

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Protection) stood as the proposed condition was unenforceable due to the operation of the deregulation aspect of the 2012 legislation. Mrs Johnson accepted that you could play music because of the 2012 Live Music Act, however, she noted that you could provide an undertaking that no live music could be played. She accepted that Public Protection (Environmental Protection) had no problem with the variation if this was limited to alcohol only. She stated that if the Sub-Committee granted the licence with your undertaking attached and a breach was made, the Sub-Committee could suspend the licence.

7. Written representations made during the consultation period.

The representations made CYC Council Public Protection (Environmental Protection) were withdrawn prior to the Hearing, subject to the imposition of the agreement to have alcohol only in the L-shaped driveway.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

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.

In coming to their decision to choose Option 4 above to reject the application, the Sub-Committee refused the application on the grounds of public nuisance.

The Sub-Committee was satisfied that the evidence of the Representors was sufficiently compelling to show that on a balance of probabilities the

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inclusion of the L-shaped drive and the extension of an hour during the week would undermine the licensing objective of preventing public nuisance.

In reaching this conclusion the Sub-Committee had regard to the number of complaints made (albeit not all substantiated by EPU); the evidence of Mr [redacted] as to the proximity of the L-shaped driveway to his property; the noise that would be generated by the number of functions taking place both during the week and at weekends (which had not been referred to by the Applicant until questioned); the quiet and sensitive historic location of the specific area of York close to the Minster; and the implications of the Live Music Act 2012 in respect of the potential use of the L-Shaped driveway for unregulated entertainment.

The Sub Committee considered that the condition suggested by EPU would not be enforceable, as music could not be prevented if the L-shaped driveway were to be included within the licensed area. The proposal by the Applicant to offer an undertaking that music would not be played in the L-shaped drive area and that it would only be used for alcohol was not of sufficient comfort to them having regard to the turbulent history between the applicant and her neighbours, as it would not be legally enforceable. It was therefore insufficient to overcome the concerns regarding the undermining of the licensing objectives of preventing public nuisance.

The Sub-Committee made this decision taking into consideration the representation, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Right of Appeal

There is a right of appeal for the Applicant and the Representors to the Magistrates Court against this decision. Any appeal to the Magistrates Court (preferably in writing), must be made within 21 days of receipt of this letter and sent to the following address:

Chief Executive
York and Selby Magistrates Court
The Law Courts
Clifford Street
York
YO1 9RE

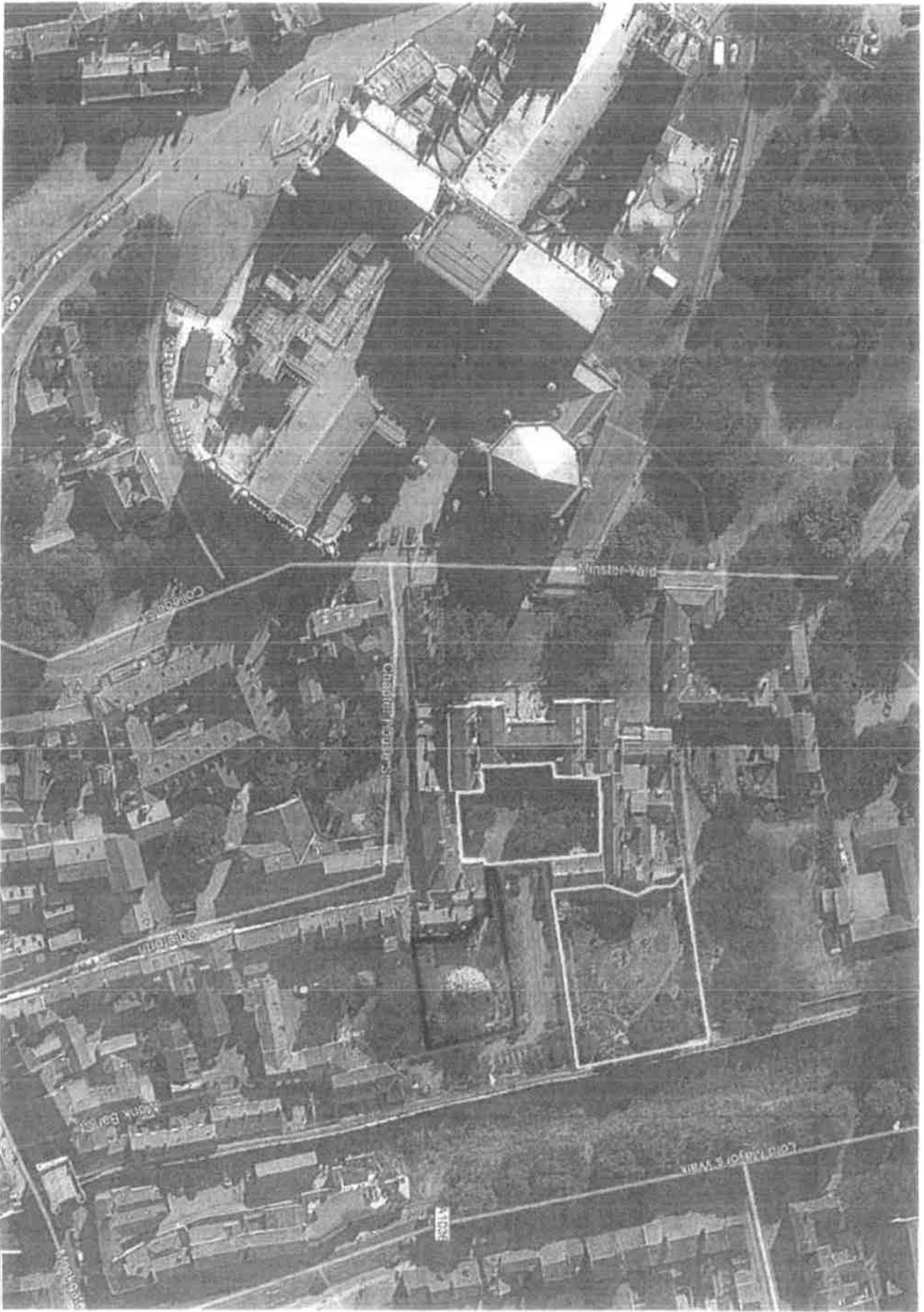
****Copy to all objectors for information****

Thank you for attending the hearing.

Yours Sincerely,

Angela Bielby
Democracy Officer
(01904) 552599

CC: representors, licensing officer



Chapter House Street
York
YO1 7JH

Licensing Services
City of York Council
9 St. Leonard's Place
YO1 7ET

Also by email: licensing@york.gov.uk

Wednesday 13 July 2011

Dear Sirs,

Application for a premises licence: Gray's Court, Chapter House Street,
York, YO1 7JH
Applicants: Helen Mary Heraty and John Douglas Edwards

I wish to make representations in opposition to the grant of the above application.

Interested parties

I am writing on behalf of myself and my partner Ms. [redacted] We live with our young daughter at [redacted] Chapter House Street, York, YO1 7JH, which is immediately adjacent to the application premises.

Licensing history

The premises already enjoy the benefit of a premises licence pursuant the Licensing Act 2003. This was granted with conditions by the Licensing Authority following a hearing on 19 August 2010. Both myself and Ms. [redacted] made representations in opposition to that application (the factual content of which is repeated for the purposes of this representation), and we were represented at the hearing by Counsel.

Whilst we opposed the granting of a licence at all, on the basis that we considered that the same would adversely affect the licensing objectives of the prevention of public nuisance, public safety and the prevention of crime and disorder, we nonetheless felt that the conditions imposed by the Licensing Authority at the last occasion were a sensible way forward if the premises was to be licensed, and although we did not necessarily agree with everything granted to the applicants, we did not seek to bring an appeal.

The operators have been operating the premises for under a year.

They have not complied with the conditions already imposed, as we set out below.

Substance of the new application, and our general stance in relation thereto

This new application is essentially a re-run of last year's application.

Our position is that the conditions imposed on the previous licence were considered necessary by the Licensing Authority to promote the licensing objectives following a fully argued hearing. No one sought to appeal those conditions. Less than a year has passed. Nothing has changed in relation to the site and in particular to our use of our home. There is no reason why the hours and conditions that the Licensing Authority saw fit to impose should be relaxed, and indeed there are reasons why those conditions should be tightened.

Supply of alcohol (M)

In relation to alcohol the operators previously sought a terminal hour for the supply of alcohol (M) to non-residents of 23:00 Sun-Thur and 00:00 Fri-Sat - this is sought again, but with a 02:00 terminal hour on Christmas Eve and New Year's Eve. The terminal hours should not be extended beyond those granted in relation to the last application in order to prevent late night noise nuisance in this quiet residential area.

We submit that conditions 1, 2, 3 and 4 (we use the numbering on the Licensing Authority's decision letter of 24 August 2010) should remain in place in relation to the supply of alcohol in order to promote public safety and prevent crime and disorder and public nuisance.

We note on this application that alcohol is to be supplied available to hotel residents 24 hours a day. We would request that an appropriate condition is added to ensure that it is only bona fide hotel residents who may be supplied with alcohol.

Live (E) and recorded (F) music

We object to the extended hours for live music (E) and recorded music (F). We object to the provision of recorded music and entertainment of a similar description outdoors. Conditions 5 and 6 were rightly imposed by the Licensing Authority in relation to the previous application, and nothing has changed to render those conditions improper.

We in fact would further submit that live music should not be provided outside at all. The provision of any music with no noise attenuation measures between the existing area and our house and garden means that we are the

mercy of having to listen to whatever performance the applicants choose to put on at any time.

Facilities for the making of music (I)

We object to the proposal to be licensed for the provision of facilities for making music (I) (a) outdoors in its entirety and (b) beyond the hours already permitted for the provision of live music indoors. We have previously been significantly disturbed by performances of live music outside and we can see no reason why this is a suitable site to operate as an outdoor music venue.

Facilities for dancing (J)

We object to the proposal to be licensed for the provision of facilities for dancing (J) (a) outdoors in its entirety and (b) beyond the hours already permitted. We refer to condition 8 imposed on the previous application and submit that this is an entirely appropriate condition for the circumstances both then and now.

Performances of dance (G)

We object to the proposal to be licensed for the provision of performance of dance (G) (a) outdoors in its entirety and (b) beyond the hours already permitted for dancing indoors.

Plays (A) and films (B)

Whilst we have no objection to the applicant providing plays (A) and films (B) per se, we do object to these activities being conducted outdoors as sought in the application, on the ground that the same will destroy the peace and quiet of our adjoining garden. The hours for the provision of plays or films should not extend beyond 21.00 Sun-Thu and 22.00 Fri-Sat, save that we have no objection to the provision of films in bedrooms at any time.

Late night refreshment (L)

We object to the provision of late night refreshment (L) (a) outdoors in its entirety and (b) indoors insofar as it relates to anyone other than residents.

Opening hours (O)

We object to the premises being open to the public (O) 24 hours a day. Conditions 2 and 17 as previously imposed should remain in place.

Licensed area

The licensed area is increased to include the areas the Licensing Committee specifically deleted from the previous application: see condition 1.

The applicants seek to license the driveway running right past our home,

which is overlooked by our daughter's bedroom window. Use of this area for licensed activities will cause significant noise nuisance.

Deletion of conditions

The operating schedule put forward by the applicants is completely inadequate for a premises in such a sensitive location as these. We note that the applicants appear to seek to delete conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, and to relax condition 13.

Operation to date

As stated, since the previous premises licence was granted, the premises have not been operated in accordance with the conditions imposed.

Condition 1. The area to be licensed shall be as shown edged red on the attached plan (The licensed area excludes the courtyard, the L-shaped driveway including the Coach House, the Bar Walls, the access to the Bar Walls and Bar Walls embankment)

On 28 May 2011 wedding guests were observed drinking alcohol (and having their glasses topped up) in the driveway, the Bar Walls, the access to the Bar Walls and the Bar Walls embankment. Later that evening guests were drinking alcohol in the courtyard area.

The licence does not permit sale of alcohol for consumption off the premises

The operators appear to make no attempt to confine patrons to the external licensed areas. So the unlicensed areas are not roped off from the licensed areas

Apart from the obvious danger posed by having people drinking on and around the Bar Walls, use of the unlicensed areas places drinkers in closer proximity to our home and causes us a nuisance. It also demonstrates a lack of management and control by the operators

Condition 2. Hours the premises are open to the public shall be as follows:

Sunday to Thursday 08:00-22:00

Friday and Saturday 08:00-23:00

With the exception of the external licensed areas

On Saturday 2 October 2010 we were disturbed by taxis arriving at 00:10 to pick up customers from the premises

On 4 June 2011 guests were departing from the premises between 00:00-01:00

On 25 June 2011 a TEN was in place with a terminal hour of 00:00. The last guests were departing the premises at 00:55.

Condition 3: *All external areas shall be vacated, cleared and cleaned by 19:00 Sunday to Thursday and 21:00 on Fridays and Saturdays.*

On 9 July 2011, at 22:38 there were approximately 70 people in the garden area drinking and talking loudly.

The driveway gates are frequently left open at night, allowing persons to enter the external areas.

Condition 6: *Recorded Music (F) shall take place indoors only until the terminal hour.*

On Saturday 11 September 2010 a black tie event was held at the premises. A disco was operated until beyond midnight. Patrons were leaving the premises between 00.30 and 01.00. Waiting taxis caused noise disturbance. It was necessary for our daughter to move to another bedroom to get to sleep.

Condition 8: *Provision of facilities for dancing (J) shall take place indoors only from 10:00 to 1 hour prior to closing on each and every day.*

On Saturday 7 May 2011 a disco was in operation beyond 22:00.

Condition 21: *Noise or vibration from the premises (including external areas), shall not emanate, so as to cause a nuisance at nearby sound and vibration sensitive properties.*

Music played at the premises is frequently audible within the interior of our home. We can hear the lyrics to the songs being played.

A bin storage area (comprising various bins including receptacles for glass recycling) has been situated next to our property, beneath our daughter's bedroom window, causing noise nuisance when filled or emptied.

The bin is often filled in the evening or at night.

For instance on 11 May 2011, bottles were thrown in the bin at 22:45 and 23:45.

On 9 June 2011, bottles were being smashed into the bin at 19:15 and 19:37.

On 10 June 2011, 2 x bins were pulled down the driveway by Ms. Heraty at 23:57 and 23:59, waking us.

On 25 June 2011, bottles were being smashed into the bin at 00:49

The bin is also emptied between 06:50 and 07:10 on Thursdays

Condition 22: When regulated entertainment in the form of Recorded and/or Live music is provided at the premises, doors and windows shall remain closed other than for ingress and egress.

On 21 May 2011 the premises' doors remained open throughout a fashion show event, with music being clearly audible. If and to the extent that the music was incidental and not a regulated entertainment, then it still constitutes a breach of condition 21 and further condition 22 should be varied to require doors and windows to be closed when any recorded music is played a volume which would otherwise be audible outside the premises.

On 4 June 2011 the door of the premises leading to the courtyard remained open throughout a function at which recorded music was played.

Condition 23: A dispersal policy shall be agreed in writing by the applicant with the Licensing Officers and thereafter be implemented and adhered to

Taxis frequently queue up for fares with their engines running for periods of 10-15 minutes each. Taxis in this queue sound their horns.

The above evidences the operators' failure to manage and control the premises in order that it operates without compromising public safety or causing a nuisance to those in the vicinity, including ourselves and our daughter

Prevention of public nuisance

In its current operation, the premises already causes us noise nuisance of the type that necessarily arises when a commercial premises operates next to residential premises. In particular there is noise from patrons arriving, departing and using the premises (particularly the external areas, including smokers using the courtyard), from taxis, from delivery vehicles, from the filling and emptying of bins, and from regulated entertainment

As we have already accepted the conditions already imposed by the Licensing Authority go a significant way towards keeping what would otherwise be an intolerable situation within reasonable bounds. However, the operators have not been able to comply with those conditions, and the premises in its current state is already the source of unacceptable noise nuisance. We fear that further a relaxation of conditions, increase of hours or licensed area is in the circumstances unacceptable for this site and these operators

We would seek the following further conditions to be added to any new licence, in addition to the repetition of the conditions imposed at the last hearing:

- (a) The imposition of a condition requiring steps to be taken to separate the unlicensed external areas from the licensed external areas;
- (b) The imposition of a condition requiring the re-location of the bin area, and providing that the bins may not be filled or emptied in the evening, night-time and early morning periods;
- (c) The imposition of a condition requiring records to be kept showing that the closure of doors and windows during the provision of regulated entertainment is implemented and monitored throughout the period of such entertainment.
- (d) The imposition of a condition that specifies that noise from licensable activities does not exceed a specified level of decibels measured from a particular location (our property) over a particular period.

Public safety

The applicants seek to remove the capacity limit from the application, and indeed to delete many conditions which promoted public safety. They seek once more to license the Bar Walls and access thereto.

Prevention of crime and disorder

The applicants seek to delete many conditions which promoted the prevention of crime and disorder. The applicants leave the driveway gate open at all times which permits anyone to gain access to the rear of the site (and hence to our garden) late at night. Closure of these gates outside of trading hours should be a condition of the licence.

Plans

We are advised that the plans accompanying the application do not comply with the appropriate regulations as they do not adequately detail where licensable activities are to take place. The external plan is a large scale plan and it is not possible to discern which areas are to be licensed with any certainty.

Planning

The local authority is already aware that we do not accept that the applicants have planning permission for the proposed operation. The applicants have been operating a licensed premises for almost a year now without appropriate planning permission and have not sought to rectify the situation despite requests to do so by the planning authority. The local authority's own licensing policy states that "whilst there is no obligation for an applicant to have planning permission before applying for a premises or provisional licence.....it is recommended that lawful planning use be obtained initially"

Hearing

(I will be on holiday with my family from 10th - 26th August 2011 and from 14th - 30th October 2011) and would request that the licensing authority avoid these dates when scheduling a hearing in relation to this application as I wish to attend and be represented.

Yours faithfully,

--


Licensing Act 2003 Sub Committee
30th August 2011

Report of the Director of Communities and Neighbourhoods

Section 18(3)(a) Application for a premise licence for Grays Court, Chapter House Street, York YO1 7JH
Summary

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-018630
3. Name of applicant: Helen Mary Heraty & John Douglas Edwards.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application The nature of the application is to allow :-

Licensable Activity	Indoors / outdoors	Days	Hours	Non standard timings
Plays and films	Both	Sun – Thurs Fri – Sat	10:00 – 23:00 10:00 – 00:00	
Live Music	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Recorded Music	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Performance of Dance	Both	As above	As above	

Provision of facilities for making music	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Provision of facilities for dancing	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Late Night Refreshment	Both	Mon – Sun	23:00 – 00:00	Available to residents 24 hours as per legislation.
Supply of Alcohol	On the premises	Sun – Thurs Fri – Sat	10:00 – 23:00 10:00 – 00:00	Christmas Eve and New Year's Eve until 02:00 And 24 hours for hotel residents
Opening Hours		Mon – Sun	24 hours	

Background

6. A copy of the application is attached at Annex 1.
7. This venue currently operates under a premises licence, CYC 016907, which was granted in August 2010. A copy of this licence is attached at Annex 2.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows.
9. The prevention of crime and disorder:
 - (a) There shall be no 18th birthday parties
 - (b) Staff are trained in customer relations
10. Public safety:
 - (a) Risk assessments and staff training are carried out.

11. The prevention of public nuisance:

(a) Guests are advised to leave the premises quietly.

12. The protection of children from harm:

(a) Staff training is given in accordance with the Licensing Act 2003

Special Policy Consideration

13. This premise is not located within the special policy area.

Consultation

14. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.

15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following condition being attached to the licence if granted: -

- (i) CCTV will be installed to cover the front entrance of the premises. It will be maintained, working 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. Cameras should be positioned so to capture images of customers as they enter the venue via the front entrance from the courtyard.
- (ii) Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of request.
- (iii) Copies of the recordings will display the correct time and date of the recording.
- (iv) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology, e.g.

thumb print or pupil recognition, is adopted by the Premises Licence Holder).

- (v) Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be of strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
- (vi) Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customer's care.
- (vii) Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and operating times of the venue. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.
- (viii) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
- (ix) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for one year.
- (x) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs local residents and to leave the premises and area quietly.
- (xi) The venue shall not open or operate (other than by way of Temporary Event Notice) earlier or later than the times listed in Part 1 of the premises licence. (i.e. the opening hours of the premises).

17. The Council Environmental Protection Unit has also met with the applicant who has agreed for the following conditions to be attached to the licence if granted

- (i) No recorded music outdoors.
- (ii) Noise and vibration shall not emanate so as to cause a nuisance at nearby sound sensitive properties.
- (iii) Regulated entertainment in the form of recorded and/or live music indoors shall be restricted to the Bow room as shown on the plan GC02. All windows in the Bow Room and the door between the Bow Room and the Long gallery room shall remain closed at all times during regulated entertainment, other than for emergency escape.

- (iv) Plays, films and performance of dance externally shall cease at 21:00 hours on every day of the week.
- (v) Live music externally shall not use electronic amplification and shall cease at 21:00 hours on every day of the week.
- (vi) Documented patrols shall be carried out by members of staff at no less than hourly intervals whilst live or recorded music is being played. These checks shall be undertaken around the perimeter of the premises and findings recorded. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of the City of York Council upon request.
- (vii) Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years. (similar to Police condition (vii))
- (viii) A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.
- (ix) A documented procedure for investigating noise complaints received by Gray's Court shall be submitted to and approved by the City of York Council within 2 months of the licence being granted and once approved it shall be implemented.
- (x) Notices shall be placed on exit doors and staff shall remind customers that there are residential premises in the area and to be quiet when leaving the property.

Summary of Representations made by Interested Parties

- 18. Representations have been received from 9 Interested Parties listed at Annex 3. Their representations are attached at Annex 4.
- 19. The location of the residential properties owned by the interested parties in relation to the premises subject to this application is shown on the map attached at Annex 5.
- 20. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

- 21. Planning permission was granted in March 2006 for change of use to create 1 no private dwelling house, to include bed and breakfast letting, and 1 no self contained holiday dwelling (east wing). However, the owner of the building has since been advised of the unauthorised status of the

current use of the premises and the potential for enforcement under the Planning Act. The Planning Officer has not made a representation.

Options

22. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
23. Option 1: Grant the licence in the terms applied for.
24. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
25. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
26. Option 4: Reject the application.

Analysis

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

32. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

33. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

34.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

35. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
36. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

37. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author: Chief Officer Responsible for the report:
Lesley Cooke Steve Waddington
Licensing Manager Assistant Director- Housing & Public Protection.
Tel No. 01904 551526

Report Approved Date 12 August 2011

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall East

AI

For further information please contact the author of the report

Background Papers:

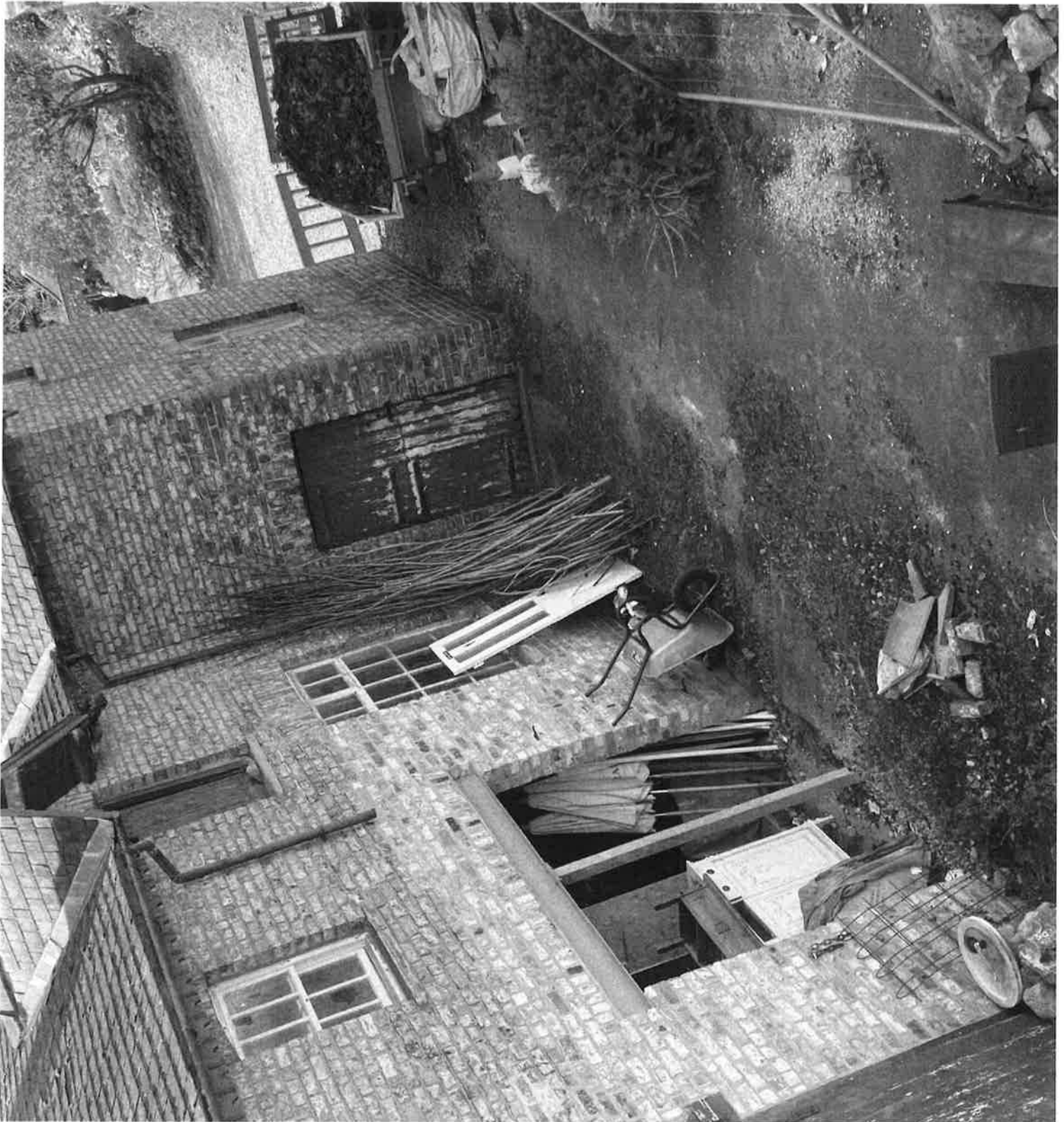
- Annex 1 - Application form
- Annex 2 - Copy of current premises licence CYC-016907
- Annex 3 - List of Interested Parties
- Annex 4 - Copy of representations from Interested Parties
- Annex 5 - Map showing general area from which representations received
- Annex 6 - Mandatory Conditions
- Annex 7 - Legislation and Policy Considerations











From:
Sent: 08 April 2025 21:48
To: licensing@york.gov.uk
Subject: Objection to Application to vary Licence

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Application to vary a Premises Licence under section 34 of the Licensing Act 2003
Applicant: Helen Heraty
Premises: Grays Court, Chapter House Street, York, YO1 7JH

Dear Sir/Madam,

I write in the capacity of having stayed at - Chapter House Street (adjacent to the driveway and gardens of Grays Court) on numerous occasions as a guest and dog sitter of the present occupants. I am also a York resident located elsewhere in the city centre.

This application by Grays Court seeks to permit the sale of alcohol for consumption off the premises to the same hours currently permitted for the sale of alcohol for consumption on the premises, in light of the relaxations introduced by the Business & Planning Act 2020 coming to an end this year.

My concern is that nothing in the application proposes any curfew or restrictions in the consumption or transportation of drinks to or from the (as yet undeveloped) Coach House into the licensed areas. The impact on the use of the L-shaped driveway for such purposes was identified as a potential source of nuisance in both Grays Court's previous applications of 2011 and 2018. By permitting the sale of alcohol for consumption off the premises to the same hours (in effect 24/7) and given the adjacency to - Chapter House Street, the presence of guests on the driveway would inevitably affect the property in terms of noise and nuisance into the early hours of the morning.

The application makes no consideration of customers taking drinks from the venue altogether, only that the purpose of seeking consumption off premises is to allow convenience for those on site. This is particularly worrying that no limitations have been proposed by the applicant in terms of who may purchase alcohol and where it may be consumed.

Therefore a condition, that alcohol sold for consumption off the premises should be limited to consumption within the existing licensed grounds of the hotel only, would be wise if the application was granted.

In addition a condition that simple signage be put in place at both the entrance to the driveway and at the exit to the proposed Coach House (if/when developed) to not take alcohol beyond these points, would do much to mitigate the potential effects of this proposed application.

My fear is if conditions are not mandated for the addition of an off-licence permission to the existing licence, the character of the venue and surrounding area would be negatively impacted in terms of noise and nuisance. It does not seem befitting that customers could in effect attend the venue for the sole purpose of purchasing alcohol, especially given the tranquil and ecclesiastical area the venue is

situated in - something both residents and tourists are used to in such a historically significant part of York.

I therefore ask the Licensing Authority to take note of the issues and concerns outlined here, and that I firmly reject these proposals of variations to the Applicant's current Premise's Licences.

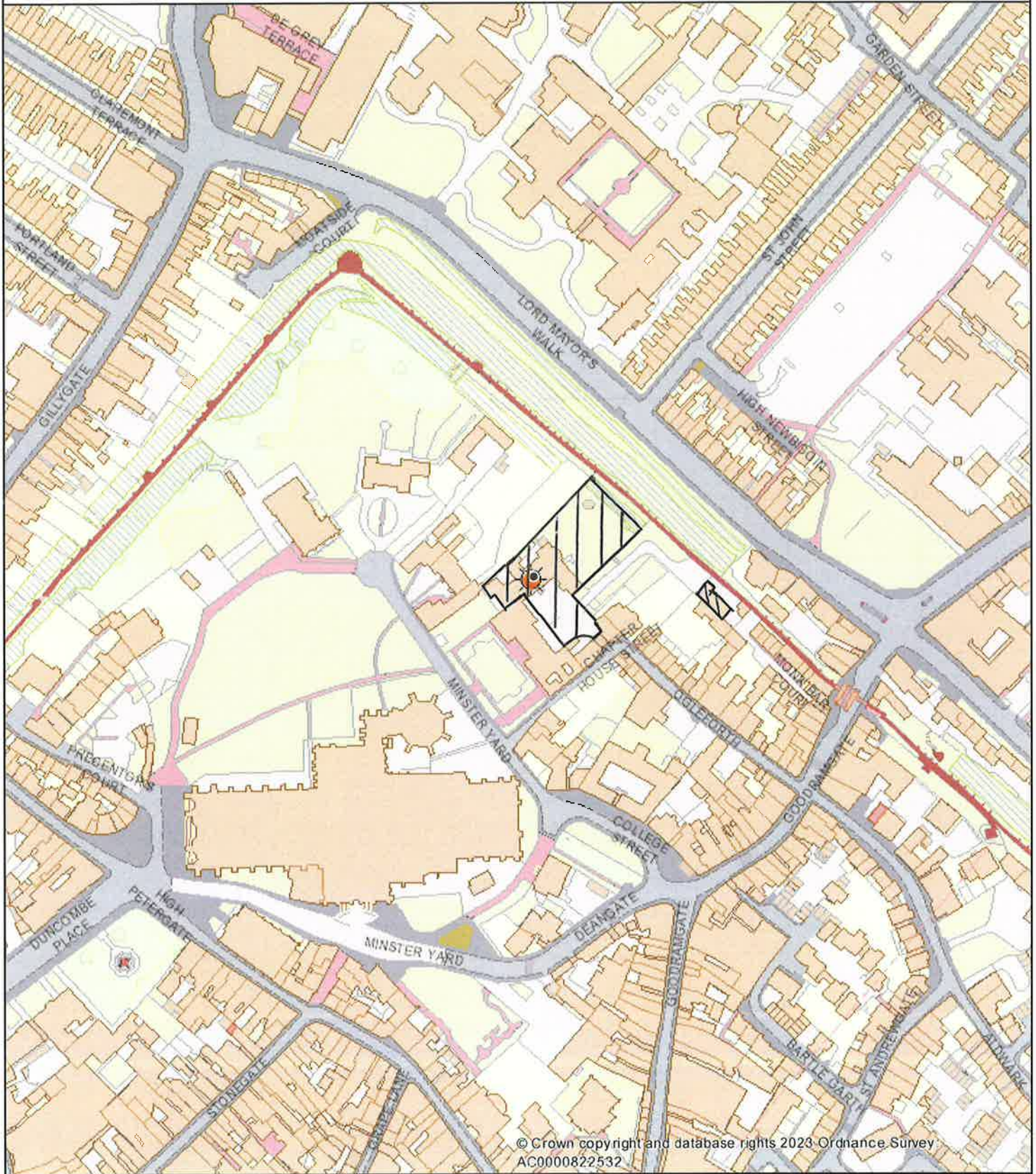
Yours Faithfully,

Bootham Row Apartments
Bootham Row
York
YO30 7BP

Sent from my iPad

Map of area

ANNEX 6



© Crown copyright and database rights 2023 Ordnance Survey
AC0000822532

Author: City of York Council

Scale: 1:2,500



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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

ANNEX 7

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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