

Licensing Act 2003 Sub Committee

Date: 12 June 2023

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for Holgate Bridge Hotel, 106 – 108 Holgate Road, York, YO24 4BB

Summary

1. This report seeks Members’ determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC - 072631
3. Name of applicant: New Holgate Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a 12 bedroomed hotel, with 18 cover dining room, 12 cover basement bar and 36 cover garden space.

Proposed Activity	Timings
Late Night Refreshment – indoors	23:00 to 05:00 each day (for hotel residents and their guests)
Supply of Alcohol – on and off the premises	24 hours each day for hotel residents and their guests 08:00 to Midnight for members of the public
Opening hours	08:00 to Midnight each day

Background

6. A copy of the application can be found at **Annex 1**, including a plan(s) of the premises.
7. The premises is described in the application as a new 12 room hotel aiming for the exclusive design led boutique hotel market. The hotel is a design led concept attracting a discrete clientele, with 12 bedrooms, an 18 cover dining room, 12 cover basement bar and 36 cover garden space.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 2**.

Promotion of Licensing Objectives

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

11. General

The licensee will ensure that during all licensable times, there are sufficient and competent staff on duty in order to fulfil the terms & conditions of our licence and promote all four licensing objectives.

All staff will be regularly trained in relation to their responsibilities regarding the sale of alcohol. Training & refresher training records will be held and maintained on the premises.

12. The Prevention of Crime and Disorder

- a. We will install comprehensive CCTV at the premises which will cover all entrance and exits both inside and outside. We will also have CCTV covering the car park and public areas. CCTV will be operated and maintained at the premises. Any incidents of a criminal nature will be reported to the police.
- b. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises, it will include all areas (including outside areas), where the public have access to consume alcohol.
- c. Copies of recordings will display the correct date and time.

- d. The CCTV system must be capable of providing quality images of good evidential value.
- e. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.
- f. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
- g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
- h. We propose that the full 24 hour provision of alcohol is to guests and bona-fide guests only.
- i. We propose that sales of alcohol to members of the public be limited to 08:00 - 24:00.
- j. The sale of alcohol to members of the public, between 08:00 – 10:00 hours, daily, will be ancillary to food.
- k. All off sales of alcohol shall be in sealed containers.
- l. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area, as per the premises plan, onto the pavement or highway.
- m. The premises shall operate the Challenge 25 policy for the sale of alcohol.
- n. The only acceptable proof of age identification shall be a current passport, Photo card 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).
- o. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 - operation of the CCTV system (including the downloading of evidence);
 - retail sale of alcohol;

- age verification policy;
- conditions attached to the Premises Licence;
- permitted licensable activities;
- the licensing objectives; and
- opening times for the venue.

with such records being kept for a minimum of one year. For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry.

13. Public Safety

- a. Fire safety procedures are in place such as fire extinguishers, fire blankets, internal illuminated fire exit signs, emergency lighting and smoke detectors.
- b. Fire exits shall be kept clear at all times.
- c. Fire systems and appliances will be inspected annually.
- d. All of our staff will be fire trained & aware of what to do in case of a fire. Training & refresher training records will be held and maintained on the premises.
- e. Outside areas, front & back entrances will be well lit with plenty of litter bins and clear walkways.
- f. We will maintain good relationships with our local taxi & bus firms in order to ensure our customers always have a safe method of travel home, displaying a range of local transport information on the premises.
- g. We will participate in anti-violence & abuse schemes such as "ask for Angela".
- h. We will display notices regarding the use of illegal substances or weapons, stating that offences shall be reported to the police.

14. The Prevention of Public Nuisance

- a. Notices will be clearly displayed in the premises reminding guests & customers to have regard for our neighbours and leave the premises quietly. All customers & guests will be reminded of said notice when they leave.
- b. We will ensure that all doors and windows in the premises are closed in the later evenings to minimise sound traveling and disturbance to our neighbours.
- c. We will maintain good relationships with local transport firms to ensure our guests leave the property safely & quietly from the front, main road exits, again to minimise vehicular movements around the rear of the building.
- d. We will employ SIA regulated door staff if we are to hold any events to ensure any issues are dealt with quickly and professionally, they will also remind guests to leave the premises quietly.
- e. In the case of any events at the premises, we will monitor our time keeping carefully to ensure we are compliant with our premises licence.
- f. We will carefully manage the arrangements for the collection and disposal of waste and empty bottles.
- g. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area, as per the premises plan, onto the pavement or highway.
- h. We propose to cease service of alcohol in the garden at 22:00 daily.

15. The Protection of Children from Harm

- a. Any customers who appear to be under the age of 25 will be asked to show photographic ID such as a driving licence, passport or proof of age card before purchasing alcohol.
- b. All staff will be trained on underage sales prevention regularly. Training and refresher training records will be held and maintained on the premises.

- c. Notices will be displayed in the premises reminding customers that we will request photographic ID if they appear to be under 25. We will keep a register of refused sales on the premises at all times.
- d. All children will be required to be accompanied by an adult and we will have a clear notice displayed explaining the rules regarding this.

Special Policy Consideration

- 16. This premises is not located within the cumulative impact area.

Consultation

- 17. 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.
- 18. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

- 19. There are no representations from the responsible authorities.
- 20. The applicant did however negotiate with the Public Protection Officer over the wording of a condition regarding the use of the external area. The negotiation has resulted in a slight change to the offered conditions and can be seen in **Annex 3**.

Summary of Representations made by Other Parties

- 20. There have been 24 relevant representations received from other persons. The list of representors is attached at **Annex 4**.
- 21. The representations are predominantly based on the grounds of the prevention of crime and disorder and the prevention of public nuisance objectives. They state that this objective(s) will be undermined if the application is granted.

22. A copy of all the representations are attached at **Annex 5**.
23. A map showing the general area around the venue is attached at **Annex 6**.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at **Annex 7**. The Legislation and Policy considerations can be found at **Annex 8**.

Options

25. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
26. Option 1: Grant the licence in the terms applied for.
27. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
28. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
29. Option 4: Refuse to specify a person on the licence as premises supervisor.
30. Option 5: Reject the application.

Analysis

31. The following could be the result of any decision made this Sub Committee:-
32. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
33. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
35. Option 4: This decision could be appealed at Magistrates Court by the applicant.
36. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

37. 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.
38. 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 of safe communities and culture for all, and a good quality of life for everyone.

Implications

39.

- **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

40. 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.

41. 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

42. 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 18
May 2023**

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Holgate



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form and Plan
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** – Condition agreed with Public Protection
- Annex 4** - List of Representors (**Confidential**)
- Annex 5** - Representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and policy