
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:

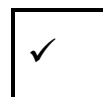
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report
Approved**

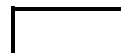


Date 09 April 2025

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