

## Licensing/Gambling Hearing

**To:** Councillors Mason, Melly and Norman

**Date:** Monday, 1 February 2021

**Time:** 10.00 am

**Venue:** Remote Meeting

### AGENDA

#### 1. Chair

To elect a Member to act as Chair of the meeting.

#### 2. Introductions

#### 3. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 4. 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.

**5. The Determination of a Section 18(3) Application by Mr Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York, YO24 1DR (CYC-67482)**

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@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.

**This information can be provided in your own language.**

**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 (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

**LICENSING ACT 2003 SUB – COMMITTEES  
PROCEDURE FOR REMOTE LICENSING HEARINGS**

**Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. 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 Hearing will be recorded and the recording placed on the Council's website.

**Preparation for the Remote Licensing Hearing**

5. The Sub-Committee will use the 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. This video-conferencing platform will also be used for decision making in private. 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.

6. 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.
7. 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.
8. 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.
9. 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.

### **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representatives are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. 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.

12. 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.
13. 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 Members.
14. **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.
15. 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.
16. 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.

## ORDER OF PROCEEDINGS AT THE REMOTE HEARING

### **Chair's introduction and opening comments**

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their representatives), and establish the identity of all who will be taking part.

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

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

### **Licensing Manager**

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

### **The Application**

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

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Public representation
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

### **The Representations**

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation [*maximum 15 minutes each party*]:

- Police
- Other Responsible Authorities
- Ward Councillors
- Public representation
- Members of the Sub-Committee

24. The Chair will invite the Applicant and each other party to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

### **Summaries**

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
  - Police
  - Other Responsible Authorities
  - Ward Councillors
  - Public representation
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. The Chair will provide the Sub-Committee 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.

### **Determination**

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. 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.
30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not)

usually within 5 working days of the hearing. There can be no further questions or statements.

31. If the Sub-Committee does not make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representatives within 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.





## Licensing Act 2003 Sub Committee

1 February 2021

Report of the Assistant Director – Planning & Public Protection

### Section 18(3) (a) Application for a premises licence for St George Hotel, 6 St George Place, York, YO24 1DR

#### 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 67482
3. Name of applicant: Simon Cowton
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 10 bedroom hotel with a dining room and 8 individual glass dining pods in the rear garden of the hotel.

Proposed Activity	Timings
Supply of alcohol both on and off the premises	11:00 to 23:00 everyday 11:00 to 01:00 Christmas Eve & New Year's Eve
Opening Hours	11:00 to 23:00 everyday 11:00 to 01:00 Christmas Eve & New Year's Eve

#### 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 hotel with 10 ensuite bedrooms, a dining room and an outdoor dining area with 8 individual glass pods in the rear garden.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

### **Promotion of Licensing Objectives**

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

10. **General**

The Licensee will ensure sufficient well trained staff are on duty at all times during opening hours. Records will be kept of training on staff members responsibilities in relation to:

- a) the sale of alcohol
- b) dealing with drunkenness
- c) dealing with underage people

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

Comprehensive CCTV coverage will be sited at the entrance and exit points capable of identification, wide angled cameras will give overview of premises, provide record of date, time and place of images and operate under all light conditions. Recordings will be securely stored in locked office area and kept for 31 days. Any criminal incidents will be reported to the police.

12. **Public Safety**

Fire safety procedures are in place. Fire extinguishers (Foam, H<sub>2</sub>O, CO<sub>2</sub>). Illuminated fire exit signs and emergency lighting. All appliances inspected annually.

13. **The Prevention of Public Nuisance**

Customers will be asked to leave quietly, signage in prominent places remind guests to leave quietly and to have consideration for neighbours.

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

Licensee and staff routinely ask anyone appearing to be under 25 for photo ID. Regular training of all staff in underage sales prevention. A register of refused sales will be maintained.

#### **Special Policy Consideration**

15. This premises is not located within the cumulative impact 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. North Yorkshire Police made representations during the consultation period and have agreed additional conditions with the applicant which now form part of the operating schedule and will appear as conditions if the licence is granted. The agreed conditions can be found at Annex 3. Therefore North Yorkshire Police do not oppose this application.
19. City of York Council Public Protection (Environmental Protection) have made representations based on the prevention of public nuisance. Their representation can be found at Annex 4.

#### **Summary of Representations made by Other Parties**

20. There have been 19 relevant representations received from other persons. The list of representors is attached at Annex 5.
21. The representations are based on all four licensing objectives. They state that the objectives will be undermined if the application is granted.

22. A copy of all the representations are attached at Annex 6.
23. A map showing the general area around the venue is attached at Annex 7.
24. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

### **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: Reject the application.

### **Analysis**

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

### **Council Plan**

35. 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.

36. 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**

37.

- **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**

38. 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.
39. 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

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

## Contact Details

**Author:**  
Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**  
Mike Slater  
Assistant Director for Planning and Public Protection.

**Report  
Approved**



**06/01/21**

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

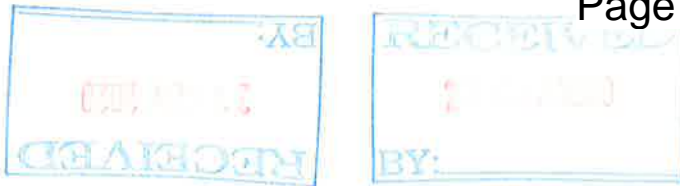
**Wards Affected: Micklegate**



**For further information please contact the author of the report**

## Background Papers:

- Annex 1** - Application form and plans
- Annex 2** - Overview of circumstances in which entertainment activities are not licensable
- Annex 3** - Conditions agreed with North Yorkshire Police
- Annex 4** - Representation from Public Protection
- Annex 5** - List of representors (**CONFIDENTIAL**)
- Annex 6** - Copy of representations from other persons
- Annex 7** - Map of area
- Annex 8** - Mandatory conditions
- Annex 9** - Legislation & policy



**CITY OF YORK COUNCIL**  
 Licensing Services, Hazel Court EcoDepot, James Street,  
 York, YO10 3DS

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ~~THE~~ SIMON COWTON  
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
ST GEORGE'S HOTEL 6 ST GEORGE'S PLACE YORK			
Post town	YORK	Postcode	YO24 1DR
Telephone number at premises (if any)	01904 625056		
Non-domestic rateable value of premises	£ 16,000		

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)

- iv other (for example a statutory corporation)  please complete section (B)
  - c) a recognised club  please complete section (B)
  - d) a charity  please complete section (B)
  - e) the proprietor of an educational establishment  please complete section (B)
  - f) a health service body  please complete section (B)
  - g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- 
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
  - h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>COWTON</b>		First names <b>SIMON DAVID</b>		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality <b>BRITISH</b>				
Current residential address if different from premises address		<b>SKELTON MANOR CHURCH LANE SKELTON</b>		
Post town	<b>YORK</b>		Postcode	<b>YO304XT</b>
Daytime contact telephone number				
E-mail address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see				



note 15 for information)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
22	12	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS IS A "HOTEL" WITH 10 EN-SUITE ROOMS, A DINING ROOM AND 8 INDIVIDUAL GLASS DINING "PODS" IN THE GARDEN BEHIND THE HOTEL

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	11:00	<del>24:00</del> 23:00			
Tue	11:00	<del>24:00</del> 23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
			NEW YEAR'S EVE 11:00 - 01:00 XMAS EVE 11:00 - 01:00 ADDITIONAL HOURS		

MS.

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	SIMON COWTON
Date of birth	1-
Address	St -
Postcode	
Personal licence number (if known)	APPLICATION IN PROGRESS
Issuing licensing authority (if known)	YORK

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None JS.

**L**

**Hours premises are open to the public**  
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	11:00	23:00
Tue	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	23:00
Sat	11:00	23:00
Sun	11:00	23:00

State any seasonal variations (please read guidance note 5)

Xmas Eve 11:00 - 01:00  
NEW YEAR'S EVE 11:00 - 01:00

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

## M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

THE LICENSEE (SIMON COWTON) WILL ENSURE SUFFICIENT WELL TRAINED STAFF ARE ON DUTY AT ALL TIMES DURING OPENING HOURS. RECORDS WILL BE KEPT OF TRAINING ABOUT STAFF MEMBERS RESPONSIBILITIES IN RELATION TO: a) THE SALE OF ALCOHOL b) DEALING WITH DRUNKENNESS c) DEALING WITH UNDERAGE PEOPLE.

**b) The prevention of crime and disorder**

COMPREHENSIVE CCTV COVERAGE WILL BE SITED AT ENTRANCE + EXIT POINTS, CAPABLE OF IDENTIFICATION. WIDE ANGLED CAMERAS WILL GIVE OVERVIEW OF PREMISES PROVIDE RECORD OF DATE, TIME AND PLACE OF IMAGES AND OPERATE UNDER ALL LIGHT CONDITIONS. RECORDINGS WILL BE SECURELY STORED IN LOCKED OFFICE AREA + KEPT FOR 31 DAYS. ANY CRIMINAL INCIDENTS WILL BE REPORTED TO THE POLICE.

**c) Public safety**

FIRE SAFETY PROCEDURES ARE IN PLACE — FIRE EXTINGUISHERS (FOAM, H<sub>2</sub>O + CO<sub>2</sub>) ILLUMINATED FIRE EXIT SIGNS + EMERGENCY LIGHTING. ALL APPLIANCES INSPECTED ANNUALLY

**d) The prevention of public nuisance**

CUSTOMERS WILL BE ASKED TO LEAVE QUIETLY SIGNAGE IN PROMINENT PLACES REMIND GUESTS TO LEAVE QUIETLY AND TO HAVE CONSIDERATION FOR NEIGHBOURS

**e) The protection of children from harm**

LICENSEE & STAFF ROUTINELY ASK ANYONE ~~WHO~~ APPEARING TO BE UNDER 25 FOR PHOTO ID. REGULAR TRAINING OF ALL STAFF IN UNDERAGE SALES PREVENTION A REGISTER OF REFUSED SALES WILL BE MAINTAINED.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her</li> </ul>
--------------------	--



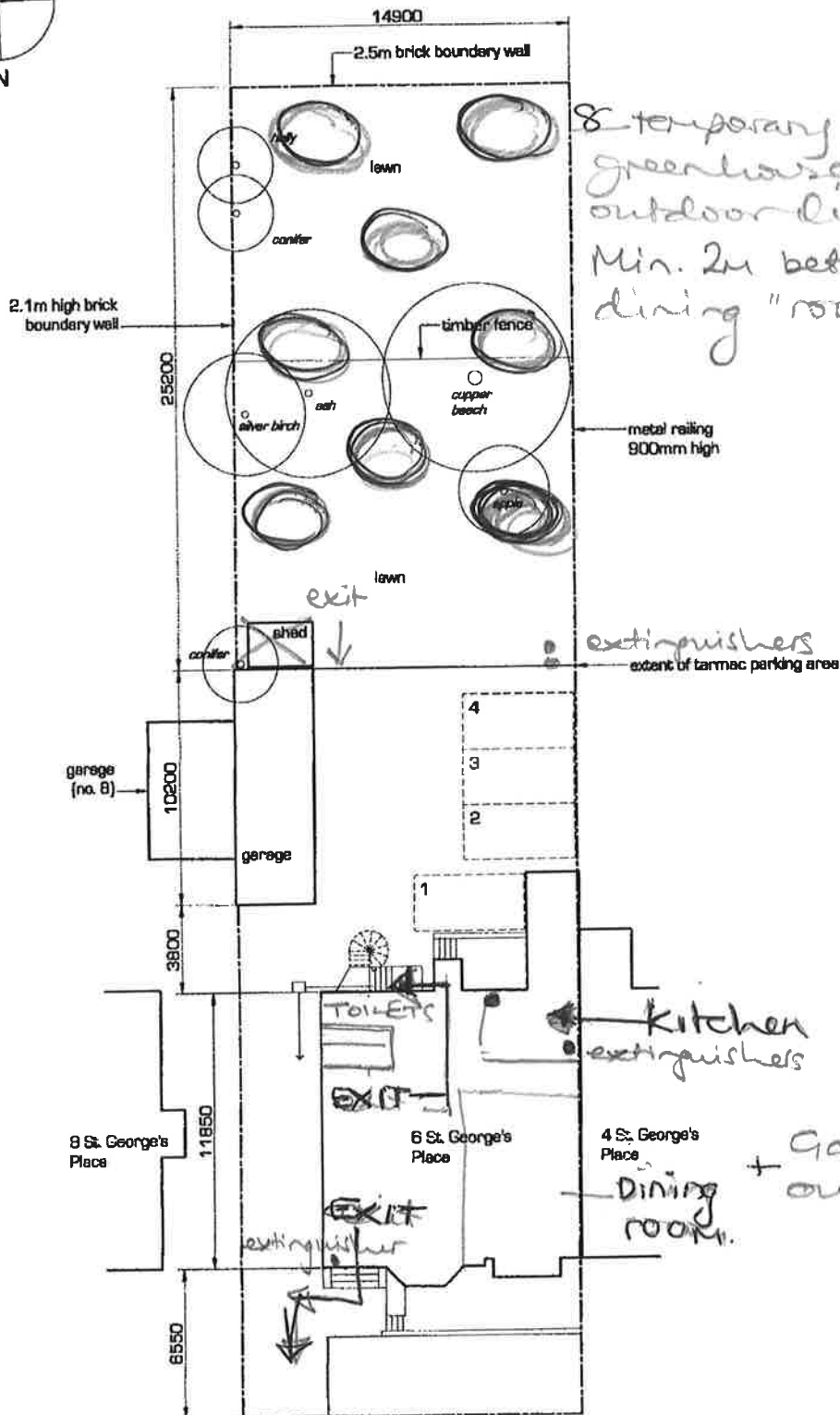
	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	23   11   2020
Capacity	OWNER + DESIGNATED PREMISES SUPERVISOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
SIMON COWTON, SKELTON MANOR CHURCH LANE, SKELTON			
Post town	YORK	Postcode	YO30 1XT
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			





PLANNING  
11 AUG 2009

09/01514 DESIGN

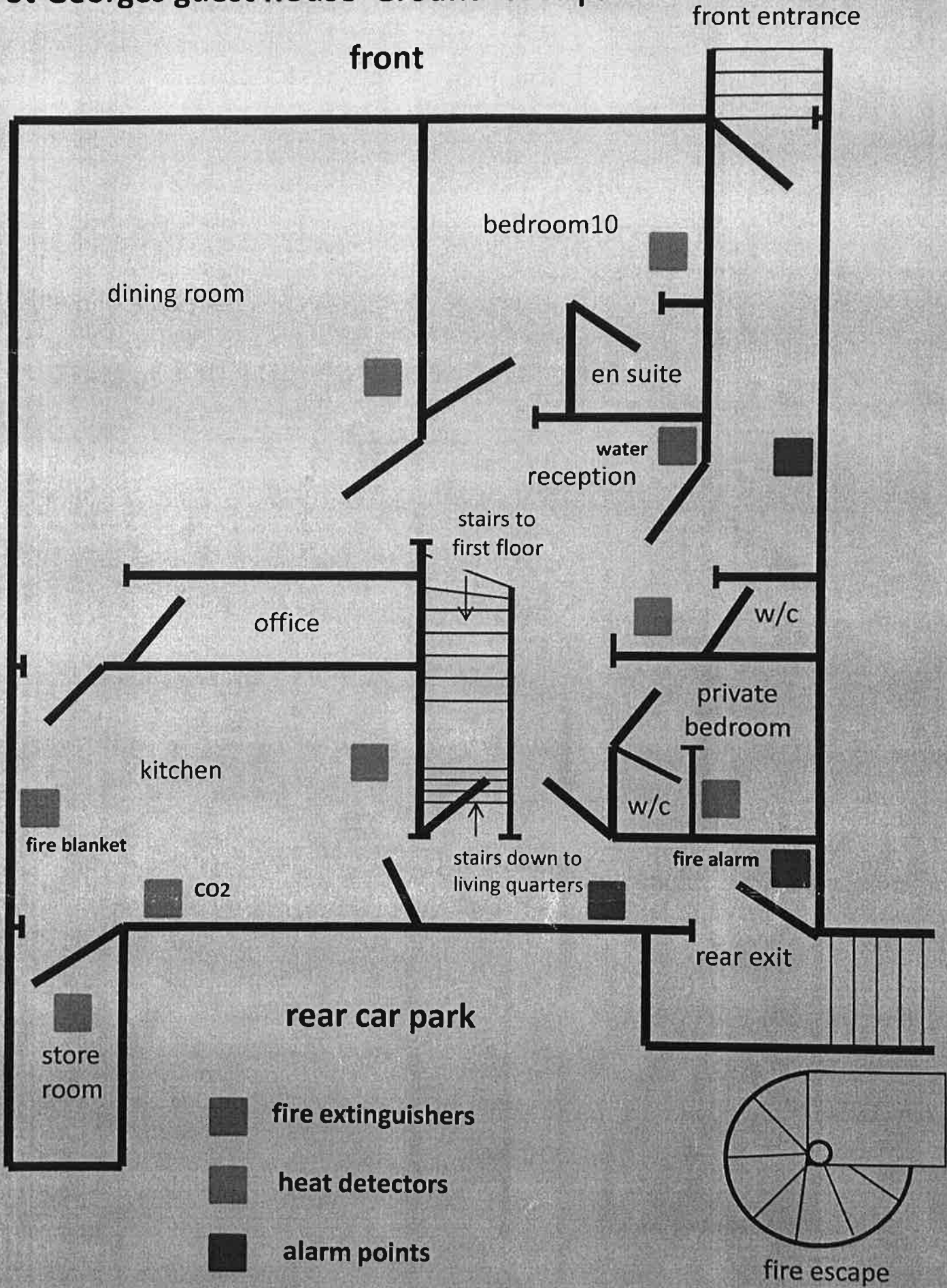
Alcohol consumed in dining room + garden area.

Client Butler	Contractor Butler	Project Residential Annex to St. George's Hotel, 8 St. George's Place, York
Date May 2009	Scale 1:200 @ A3	
Drawn 228	Issue 100	
<small>ALL DIMENSIONS UNLESS OTHERWISE STATED ARE IN METERS AND SHOULD BE CHECKED AGAINST THE ORIGINAL DRAWINGS.                  ALL DIMENSIONS AND POSITIONS IN THIS PLAN ARE SUBJECT TO THE EXISTING SURFACE OF THE GROUND AND TO THE SURFACE OF THE GROUND.                  ALL DIMENSIONS AND POSITIONS IN THIS PLAN ARE SUBJECT TO THE EXISTING SURFACE OF THE GROUND AND TO THE SURFACE OF THE GROUND.                  ALL DIMENSIONS AND POSITIONS IN THIS PLAN ARE SUBJECT TO THE EXISTING SURFACE OF THE GROUND AND TO THE SURFACE OF THE GROUND.</small>		
<small>THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ARCHITECTS.</small>		Title Site Plan as Existing





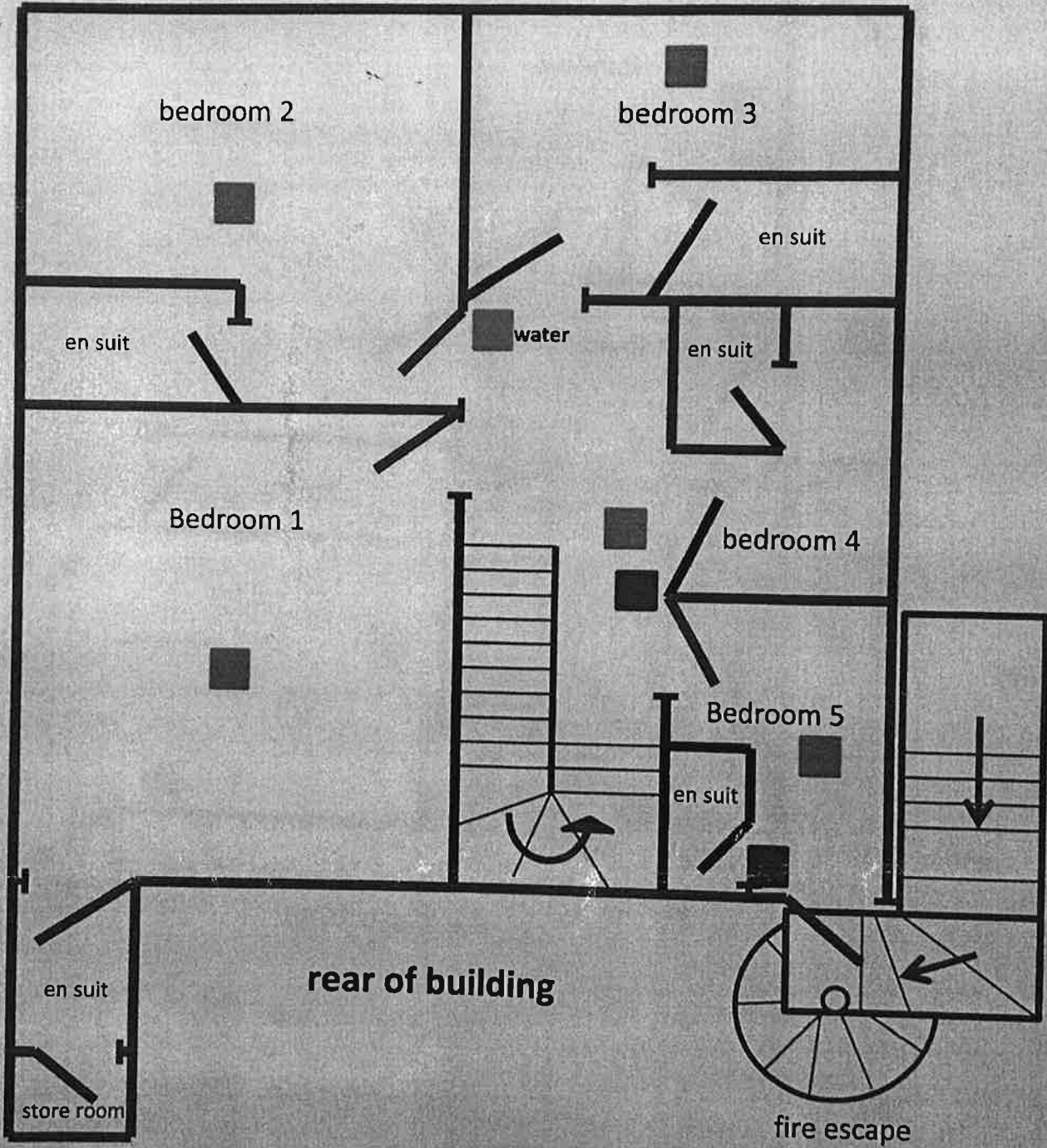
# St Georges guest house Ground floor plan





# St Georges guest house first floor plan

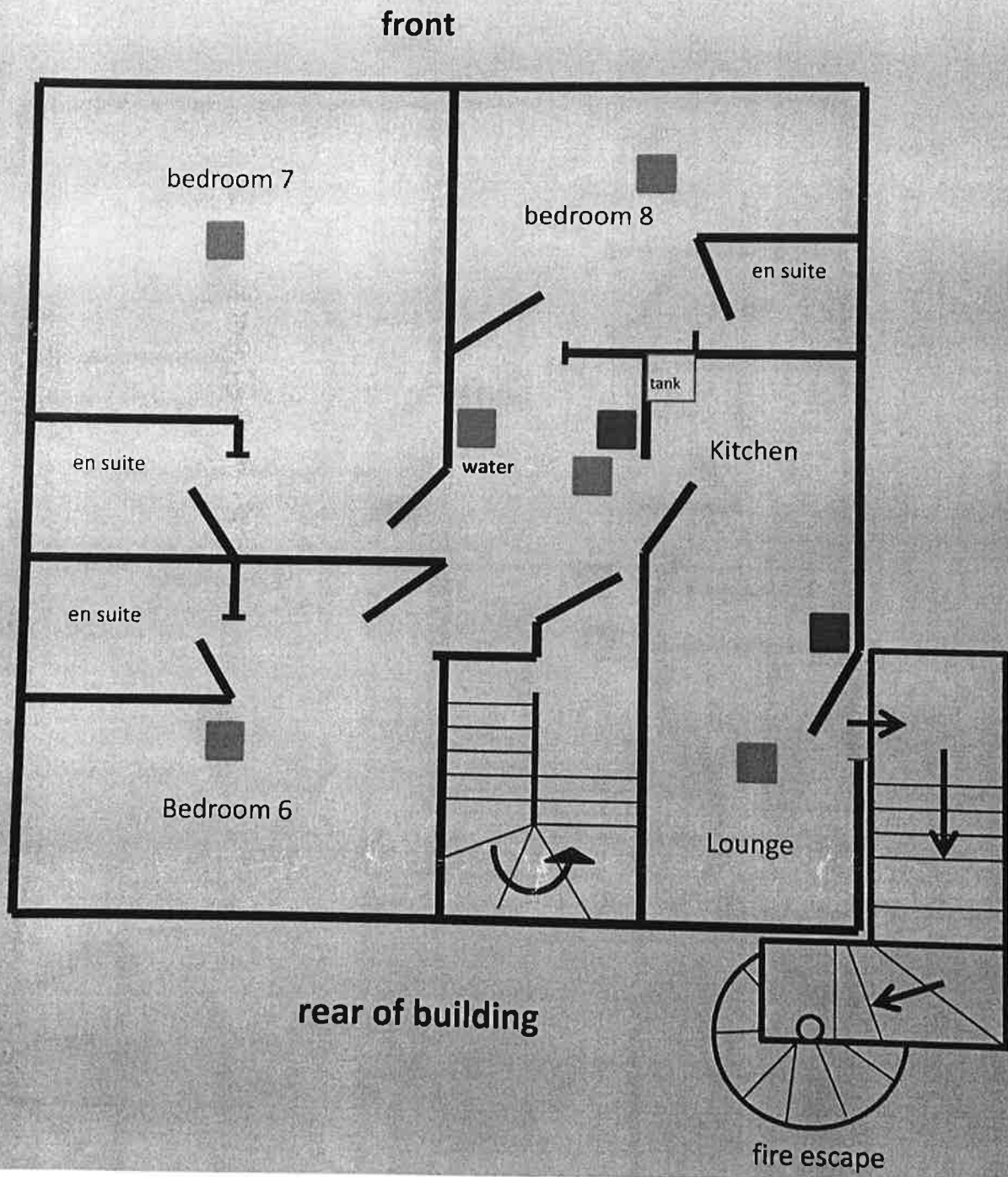
front







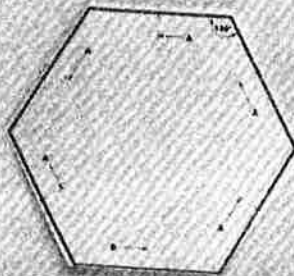
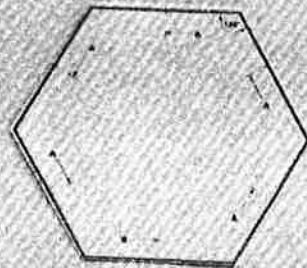
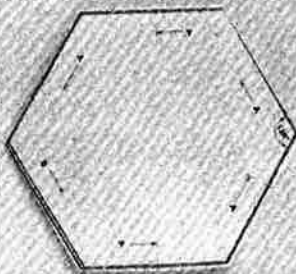
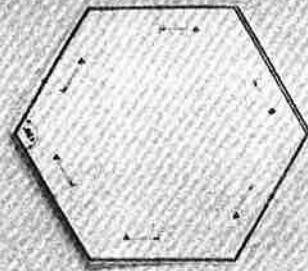
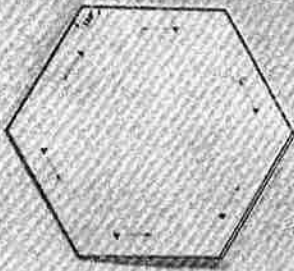
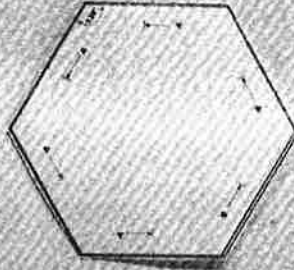
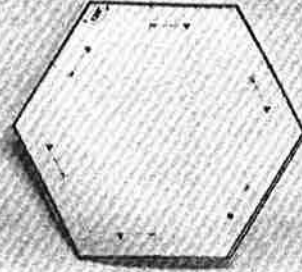
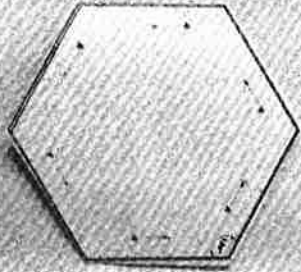
St Georges guest house second floor plan Apartment



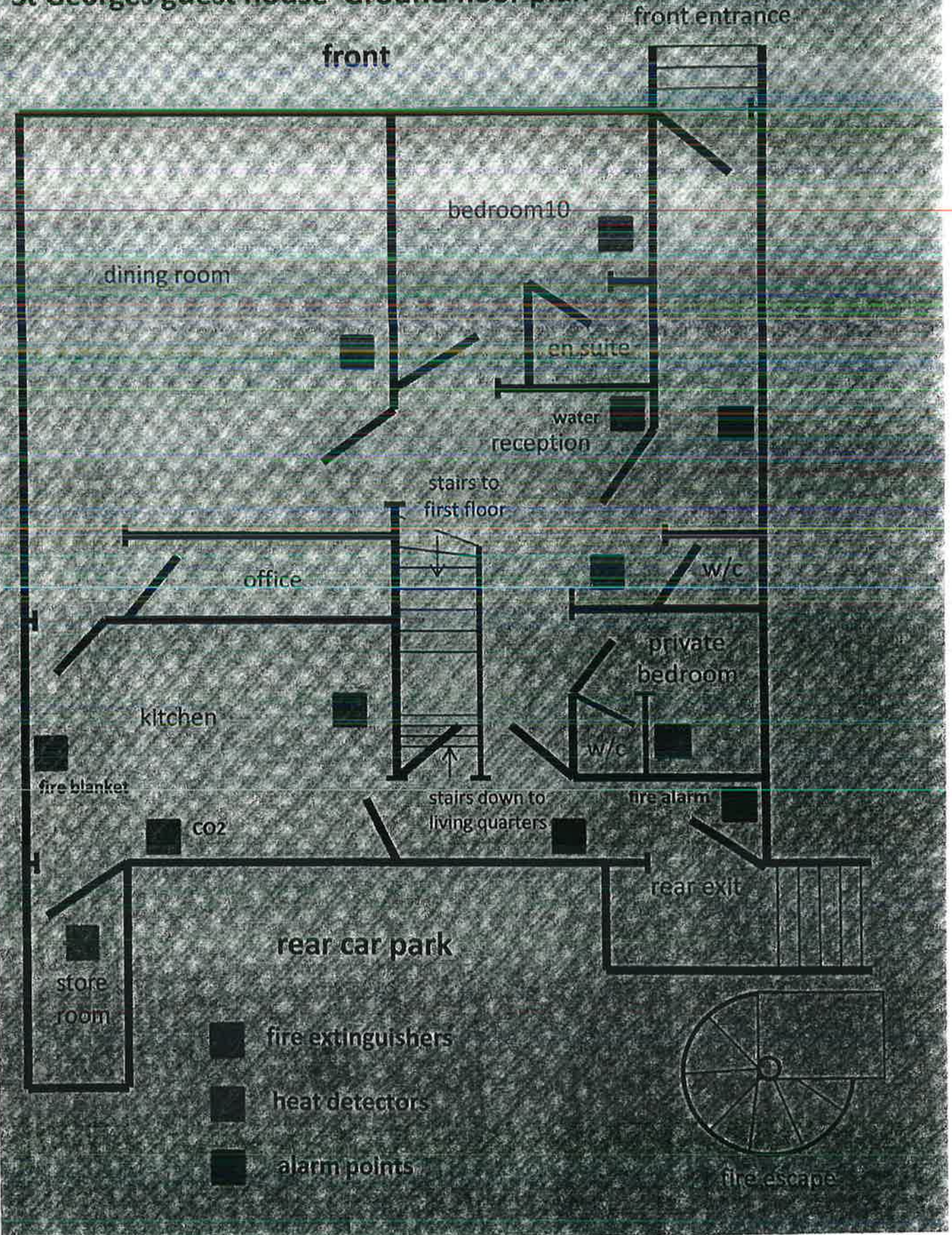


GARDEN AREA

SCALE 1:10



# St Georges guest house Ground floor plan



## 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 authorisation<sup>18</sup>) 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 workplace<sup>26</sup> 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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**Agreed Conditions – North Yorkshire Police**

Please see the below agreed conditions with the applicant for 6 St George's Place, York.

As this agreement has been made in addition to the conditions offered on the application I can confirm that North Yorkshire Police have no objection to the application and as such no Police objection shall be made.

1. A digital colour CCTV system will be installed to cover the premises and will include the main entrance/exit.
  - a. It will be maintained, working and recording at all times when the premises are open.
  - b. The recordings should be of good evidential quality to be produced in Court or other such hearing.
  - c. Copies of the recordings will be kept available for any Responsible Authority for 31 days. Subject to Data Protection requirements.
  - d. Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
  - e. Copies of the recordings will display the correct time and date of the recording.
  - f. 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. Subject to Data Protection requirements.
2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-
  - a. Retail sale of alcohol
  - b. Age verification policy
  - c. Conditions attached to the Premises Licence
  - d. Permitted Licensable activities
  - e. The Licensing objectives and
  - f. The Opening Times of the venue.
  - g. Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.
3. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such records shall be kept for at least 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]: They will be made available immediately upon a reasonable request from any responsible authority.
4. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

5. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly
6. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
7. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
8. All off sales of alcohol shall be in sealed containers.

PC 1671 Kim HOLLIS  
Alcohol Licensing Officer (York)  
Partnership Hub  
North Yorkshire Police  
[NYPLicensing@northyorkshire.pnn.police.uk](mailto:NYPLicensing@northyorkshire.pnn.police.uk)

**Representation made by Public Protection (Environmental Health)**

I have reviewed the premises license application for 6 St Georges Place, York and would have concerns about noise from customers raised voices on race days and in the evenings in the garden area.

The application is to introduce a licensed area between 11:00 hours and 23:00 hours, seven days a week into the quiet rear garden of the hotel which is surrounded by residential gardens and dwellings on three sides in a residential area of York.

It proposes 8 pods which could hold 8 people each, 64 people in total and the external area could hold more once the area is licensed. There is a plan to have a fire bowl as a visual feature which would attract visitors to drink outside the pods and result in raised voices and the applicant has not offered sufficient conditions with the application to control noise from customers other than reminding them to leave quietly.

The applicant has stated that he does not intend on having a bar outside, however, the application as it stands would allow this and there would be a risk that this would increase the ability to increase the flow of alcohol and therefore the amount of noise generated. The location of the Hotel is within close proximity to the race course and once the external area is licensed could be opened to the customers of the race course on race days. There has been no restrictions or controls offered on this access and could lead to noisy behaviour on such days if opened to the public.

In terms of the pods, the sound reduction they would offer is not as yet known and may result in noise breakout, especially when the doors are opened.

**The hours**

The applicant has agreed to restrict the hours of the outside area on Christmas eve to between 11:00 hours and 21:00 hours, however, we have not been able to agree to the finish times on the normal operating days nor had time to agree more stringent conditions.

As the application stands, there are insufficient conditions to control noise from the licensable activities within the quiet back garden of the hotel in a highly residential setting and Public Protection are unable to support the application without more stringent conditions being offered and an offer to curtail of the hours of use of the garden area from the applicant.

Public Protection are therefore making representation on the grounds of public nuisance.

Michael Golightly  
**Technical Officer**  
michael.golightly@york.gov.uk

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**Representations with regard to the application for a licence to sell alcohol on or off the premises of St George's Hotel by Simon David Cowton.**

I, \_\_\_\_\_ of \_\_\_\_\_ St Georges Place object to this application and make the following representations:

The premises concerned currently provide bed and breakfast accommodation with ten bedrooms. I believe there are no staff present overnight. Presumably it has not sold food that requires a food hygiene rating as it has no rating for that as yet. It has no current alcohol licence.

This application is part of a significant change of use of the premises. It is not an application to provide services in a different way due to the restrictions around hospitality due to covid-19. It is an application to provide new services.

An on or off sales alcohol licence is not appropriate for bed and breakfast accommodation which is the current use of these premises.

In para 8.7 (first) on page 19 of your Guidelines for applicants you recommend that lawful planning use is obtained initially. I do not believe this has been done.

**Prevention of crime and disorder**

Alcohol is freely available from many licensed premises in the vicinity. Alcohol is a prime factor in much domestic abuse and many violent crimes. Desire for alcohol and other drugs is the cause of much theft. There is no demand for more licensed premises in the area as the supply is sufficient. More alcohol availability will increase the likelihood of alcohol induced anti-social and criminal behaviour.

**Public safety**

This hotel is apparently not staffed at night when guests are in residence. The applicant has little experience of the area and does nothing at present to ensure his guests behave in a safe manner.

Alcohol never improves public safety. It is inevitable there will be more traffic in the street if this extra activity is allowed. It is also possible that more drivers than currently may have consumed alcohol. Indeed there will be more pedestrians who have consumed alcohol and may be less alert to traffic. Any alcohol even below the allowed limit, impairs judgement and reaction speed and therefore reduces public safety. Any additional provision of alcohol must reduce the safety of the public.

**Prevention of public nuisance**

The current hotel caters for residents and has no visitors for meals or bar. As such it causes little disturbance as the residents have their own bathroom facilities and arrivals and departures are limited to those residents with parking provided at the back of the hotel.

This parking is not sufficient for all the residents when the hotel is fully occupied and some hotel residents do park in the street. Any more activity will increase the problem for other residents of the street.

Parking in the street is currently difficult during the working day as many commuters also park in St George's Place. Any extra activity for on or off sales of alcohol will exacerbate this throughout the opening hours including when returning home from work making parking extremely difficult for residents.

The current building work in the garden at St George's Hotel suggests a great deal of social activity proposed in the garden which will be a noise nuisance especially if fuelled by alcohol. No plans have been put forward for this development and no discussion by the owner with residents so it is not possible to refer to any plans. Mr Cowton has however been quoted in the Guardian newspaper as putting "two fingers up to covid". The premises currently have no alcohol licence so the consumption of alcohol in the garden is not a reasonable extension or relaxation of rules in the light of difficulties in the hospitality industry due to covid-19. This is a new application. A denial of alcohol licence would limit the impact of this unauthorised development on the street.

There is no indication of extra bathroom facilities for garden users. It is likely that there will be an increase in urinating in the local streets late at night.

#### Prevention of children (and vulnerable adults) from harm

St George's Place is home to many families with children and is also home to vulnerable adults some of whom are rehabilitating from alcohol addiction in Newington Court. The sale of alcohol from a small hotel sets a very bad example to children and provides an unnecessary challenge to vulnerable adults during their rehabilitation. As St George's Place is a no through road, rehabilitating residents have no other route home than to pass this hotel. It is particularly worrying that the drinking will not be hidden behind closed doors but may be happening in the garden where passers by including children will begin to see drinking as acceptable and the norm. This is not an example we should set for the next generation.

Increased traffic may cause harm, putting children's lives at risk.

Increased noise is likely to disturb children's sleep causing them harm.



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**From:** [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
**Sent:** 30 November 2020 10:47  
**To:** licensing@york.gov.uk  
**Subject:** St Georges Hotel, 6 St Georges Place, York YO24 1DR

**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.

I wish to make an objection to the licensing application for the above premises. The Premises have been a B&B guest house for many years not serving meals. My concern is that with the conversion of the garage to facilitate a bar and a pizza oven this will turn the premises into a completely different concept, becoming a beer garden serving fast food.

This is a residential and conservation area, there has already been breaches of the conservation protocol with trees uprooted and the ground disturbed beyond the limits set out by York Archaeological department.

Should the application be granted I can only hope that limits be set and the outside does not become a beer garden where I would envisage constant noise from emanating from hen and stag parties.



**From:**  
**Sent:** 03 December 2020 15:28  
**To:**  
**Subject:** Re: Objection of licence to sell alcohol - 6 St Georges Place

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.

Apologies,

My concerns are that having a licenced venue in a residential area, closely flanked by residential houses and gardens will increase anti social behaviour in the area from those attending the venue walking there or driving. There is not sufficient parking for a food and drink outlet this far from town- where there is a license someone is still likely to drive even if they do not drink alcohol. Noise suffered by the residents who live within meters will be unacceptable- it is a very quiet residential area, this should not be allowed to change. There is also considerable risk to the children living in those houses and nearby streets due to alcohol being served nearby, being exposed to adult behaviours in their homes- ie from the garden or open window hearing adult conversations or hearing/witnessing intoxicated behaviour.

Please let me know if I need to add more, Regards

Sent from my iPhone

> On 3 Dec 2020, at 15:09, <> wrote:  
>  
> Good Afternoon,  
>  
> We have received your representation. You have mentioned the licensing objectives but have not provided the reasons for the grounds of the rep. If you could please provide these.  
>  
> Regards  
>  
>  
>  
> Senior Licensing Assistant  
> t: 01904 552422 | e: ,@york.gov.uk  
>  
> Please be aware of the new contact details for the Licensing Section (including Taxis):  
> Telephone: 01904 552422  
> Email: licensing@york.gov.uk  
>  
> City of York Council | Public Protection Hazel Court Eco Depot, James  
> Street, York, YO10 3DS www.york.gov.uk | facebook.com/cityofyork  
> |@CityofYork  
>  
>  
>  
>  
> We take your privacy seriously. For details of the information we

> collect, how we use it and who we may share it with please see the  
> Public Protection Privacy Policy on our website, [www.york.gov.uk](http://www.york.gov.uk)  
>  
> Please be advised that following the latest Government advice regarding the outbreak  
of Coronavirus (COVID-19), the Licensing Section will be working from home where  
possible. Emails and calls will still be responded to but it may take a little longer  
than usual. We apologise in advance for any inconvenience this may cause. It would  
help us greatly if you could communicate by email wherever possible.  
>  
>  
>  
> -----Original Message-----  
> From: [REDACTED]  
> Sent: 28 November 2020 10:27  
> To: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
> Subject: Objection of licence to sell alcohol  
>  
> 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.  
>  
> Good morning, I would like to lodge an objection to the sale of alcohol at 6 St  
George's place, St. George's hotel on the following grounds:  
>  
> Possible crime and disorder  
> Public nuisance  
> Danger to public safety  
> Protection of children  
>  
> This is a residential area and within a conversation zone. I believe in putting up  
pods serving alcohol and food in their rear garden, which is closely flanked by  
smaller residential dwellings they are putting the community at risk from the above.  
>  
> Regards  
>  
> Resident of Moorgarth Avenue  
>  
> Sent from my iPhone  
> \* \* \* \* \*  
> \* \* \* \* \* Help protect the environment! - please don't print this email  
unless you really need to.  
> \* \* \* \* \*  
> \* \* \* \* \*  
>  
> This communication is from City of York Council.  
>  
> The information contained within, and in any attachment(s), is confidential and  
legally privileged. It is for the exclusive use of the intended recipient(s). If you  
are not the intended recipient(s), please note that any form of distribution, copying  
or use of this communication, or the information within, is strictly prohibited and  
may be unlawful. Equally, you must not disclose all, or part, of its contents to any  
other person.  
>  
> If you have received this communication in error, please return it immediately to  
the sender, then delete and destroy any copies of it.  
>  
> City of York Council disclaims any liability for action taken in reliance on the  
content of this communication.  
>

---

**From:** licensing@york.gov.uk  
**Sent:** 03 December 2020 08:37  
**To:**  
**Subject:** FW: Current Application for licence at 6 St George's Place York YO24 1DR

t: 01904 555536 | e: j...@york.gov.uk  
**City of York Council** | Economy and Place Directorate, Public Protection,  
Hazel Court Eco Depot, James Street | York YO10 3DS  
[www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

**Please be advised that following the latest Government advice regarding the outbreak of Coronavirus (COVID-19), the Licensing Section will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause. It would help us greatly if you could communicate by email wherever possible.**

Please be aware of the new contact details for the Licensing Section (including Taxes):

- Telephone: 01904 552422
- Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

**From:**  
**Sent:** 02 December 2020 19:48  
**To:** licensing@york.gov.uk  
**Subject:** Current Application for licence at 6 St George's Place York YO24 1DR

**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.**

To whom it may concern,

I am writing to object in the strongest terms to the the above application for the grant of a licence in relation to the supply of alcohol (on and off sales) Monday To Sunday 11am to 11pm and until 1am on Xmas Eve and New Years Eve.

St George's Place is a quiet residential street (in fact, a cul de sac) within a Conservation Area, with many children and the elderly living in very close proximity to the subject premises. This seemingly unrestricted licence, if granted, would mean that anyone or indeed crowds of people could turn up at any time for drinking. Indeed the Tadcaster Road is one of the main routes/roads into York and I can very easily see how we may end up with car loads of people or minibuses parking up for a night's (or even a day's) drinking.

I am therefore particularly concerned about noise, foul language and the excessive traffic and parking issues this will create. It will also likely encourage anti-social and unruly behaviour and general public disorder, as often happens around drinking venues. This will not just impact St Georges Place but also the adjoining streets onto which the subject property backs, all of which were built to house families (not commercial ventures) and which will be equally exposed to all this public disorder. I also believe granting such a licence would potentially put young children and the elderly at greater risk of harm, and it will undoubtedly cause significant noise pollution for all living in the locality, the majority of us needing to work during the day, currently from home, and likely impacting everyone's sleep (including children's sleep).

I cannot see any benefits whatsoever from granting such a licence, which as illustrated above, will be damaging to all people living in this locality, and will surely set a very dangerous precedent if permitted to proceed.

I urge Councillors to refuse this application outright and thank you in advance for your consideration.

Yours faithfully,

St George's Place

York

YO24 1DT

Moorgarth Avenue  
York  
YO24 1DP



07 December 2020

Dear Sir,

**Objection to the Supply of Alcohol (on and off sales)**

Please find the attached evidence which I present to object to the application you hold on the register for:

Mr Simon David Cowton  
St Georges Hotel, 6 St George's Place, York YO24 1DR

Yours sincerely,

A handwritten signature in dark ink, appearing to be "S. Cowton". The signature is written in a cursive style with a large initial 'S'.

Encs.

Representation objecting to the application for:  
Supply of Alcohol (on and off sales)

Applicant: Mr Simon David Cowton  
St Georges Hotel, 6 St George's Place, York YO24 1DR

**Prevention of public nuisance**

As a long-standing resident of Moorgarth Avenue I am appalled that such an application as this has been submitted in what is a quiet and respectful residential area. The sale and consumption of alcohol within and especially in the rear garden of St Georges Hotel will inevitably cause considerable nuisance to me, as it is located only some metres from the rear of my house. The noise generated as a result of people enjoying themselves drinking so close to my house will cause me great distress, as I will no longer be able to enjoy my garden by day and it will also threaten to disturb my sleep by evening/night. Furthermore, there is a risk that some hotel customers may consume too much alcohol and cause a significant public nuisance, as a large number of people may congregate in the garden area at the rear of the hotel.

During race days I fear that the attraction of the hotel and its garden would be a honey-pot for customers to arrive intoxicated and to continue drinking with the associated generation of significant noise, bad language, litter and light pollution by night. The adverse effect that this will have on children and older residents such as myself in gardens and properties surrounding the hotel will be unbearable.

There is also a concern that noise and inconvenience will be generated by hotel customers driving around to find parking, creating distress and pressure on local residents parking.

An application such as this will be a significant public nuisance in a residential area and must not be permitted as it will cause great inconvenience and potentially damage to the quality of life for residents.

**Public safety**

There is an increased risk of drink driving by hotel customers should this application be granted. This is a significant public safety issue given that parking is also restricted in the area. There is now very little parking at the hotel site, so residents and other customers will need to use local roadside parking. More cars trying to park in already congested roadside parking will cause additional problems.

The planned fire pit in the centre of the garden is a public safety concern, it will be too close to my home and create a safety issue for the hotel's surrounding garden pods as well as my wooden garden shed nearby. The addition of alcohol consumption alongside the fire pit will raise the risks to public safety.



**Prevention of crime and disorder**

As the hotel is situated in a residential area, I feel that the availability of alcohol so close to my home is a threat to my safety. Our area does not benefit from a police presence in the way that commercial areas of the city do, and the likelihood of crime and disorder will be significantly increased with alcohol availability in such a developed garden hotel facility.

**Protection of children from harm**

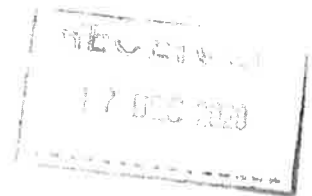
The arrangements that have been cited in the application fall far short of those needed to properly protect children from harm. Given the extent to which other licenced premises in the city centre go to protect children from harm, especially on race days and for events, then I would expect specialist security staff to be available when the hotel is busy.

Given that the hotel to date operates as a bed and breakfast which is unmanned at night, I am not convinced that the expertise exists to effectively manage licensed premises. Indeed, the hotel owner's reputation for flouting regulations which the council is aware of, and for aggravating residents resulting in a significant number of complaints to the council, is testament to a lack of concern about the local community or care for neighbours and children.

**Contravention of covenant on the property**

Finally, it has come to my notice that there is a covenant on 6 St George's Place that prevents the Mr Cowton from using the property and grounds for the sale of alcohol. The application that Mr Cowton is making is in contravention of this covenant and is further evidence that he is prepared to flout conditions and is acting in unbelievably bad faith.





Moorgarth Avenue  
York  
YO24 1DP

8th December 2020

Dear Sir

Ref: Objection to Supply Alcohol (on and off sales)

Please find attached the grounds on which I wish to object to the application you currently have on your register for:

Mr Simon David Cowton  
St Georges Hotel, 6 St Georges Place, York YO24 1DR

Yours faithfully

Encs.

**OBJECTION TO APPLICATION FOR  
Supply of Alcohol (on and off sales)**

**Applicant: Mr Simon David Cowton**

**Premises Address: St Georges Hotel, 6 St Georges Place, York YO24 1DR**

**The prevention of public nuisance**

My understanding is that anything that damages or inconveniences the rights of the community is classed as a public nuisance. I believe a successful application will do just that to the residents of both St George's Place and the surrounding streets, in particular Moorgarth Avenue. The neighbourhood is predominately residential and there are young children and the elderly living in properties that abut the hotel. At the top of St George's Place there is also a sheltered housing community and the idea of vulnerable people negotiating/being exposed to a drunk/disorderly crowd is a serious concern.

Naturally not all customers will consume too much alcohol and cause a nuisance, however the risk is significant. The garden of the hotel is large enough to accommodate sizeable parties and is likely to appeal to groups.

I have already mentioned that children live in properties neighboring the hotel. I would fear for the welfare of these children because of the potential language and behaviour they could witness due to drunkenness. The hotel is very close to York racecourse, the chances of racegoers frequenting the hotel is therefore incredibly high and this is matched by the likelihood of these customers consuming too much alcohol; this presents a child protection issue. The parents of these children would have to be on constant guard and resort to ushering them indoors should the problem manifest. The granting of this licence would rob the children of the opportunity to play freely in their own gardens.

The health, safety, comfort, convenience, and welfare of the community will be jeopardised if the application is successful through potential drunk and disorderly behaviour, noise and increased stresses on the area's parking/traffic.

**The protection of children from harm**

The measures listed by Mr Cowton to mitigate this risk (requesting ID from anyone appearing to be underage and regular staff training) seems quite weak when you consider that, particularly during race meetings, there could be a large number of customers on site. At such times having the capacity to "police" clientele is essential. It would have been more reassuring if mention had been made of additional, fully qualified staff being employed during peak times. Within the city centre there appears to be a network of bouncers who are able to communicate between establishments when trouble strikes, an intention to become part of this community during race meetings would have suggested a greater commitment to protecting children and the wider community.

**Public safety**

I would assume the purpose of this application is to increase the appeal of the St George's Place Hotel, whether as a guest or as a casual visitor. Whilst I accept some may visit on foot/bicycle/via public transport, given the location of the hotel, many will travel by car. If this is the case, the risk of drink driving is of concern.

If the granting of this licence did indeed increase custom (the application suggests being open to the public) it is likely parking and traffic would become a problem. Parking is already at a premium within the area. Very little on site parking will be available and this would force customers to park on the public highway. Many streets in the vicinity are narrow with pinch points/difficult junctions. Only this autumn no waiting restrictions were implemented within the area of Mount Vale Drive and Moorgarth Avenue; additional vehicles will intensify the problem.

My understanding is that a fire pit of significant size is to be the centrepiece of the hotel's garden. I also believe that the structure of the garden's "pods" will be made predominantly of wood and glass. The siting of the fire pit so close to the pods seems dangerous and the introduction of alcohol is going to heighten the risk to public safety.

**The prevention of crime and disorder**

By default, the likelihood of crime and disorder increases with the availability of alcohol. The hotel is situated in a quiet residential area, a mile outside the city centre. More commercial areas often benefit from regular police patrols/presence, however being so far out of town this deterrent would be lacking.

**General concern**

Mr Cowton's track record in terms of acknowledgement and willingness to abide by council regulation seems questionable. The work already undertaken on site appears to flout many orders already in place e.g. conservation, archeological, temporary construction (some concrete footings/brickwork completed) and I wonder whether Mr Cowton's statement of how the site will be managed can be relied upon.

Whilst Mr Cowton says in his application that he will encourage customers to be considerate of the neighbours, to date he has not behaved in such a manner. The council have a significant number of complaints on record, made by these very neighbours, both prior to and whilst this work has been undertaken.

I also understand there is a covenant on the property that forbids Mr Cowton from using the property and grounds for the sale of alcohol. The fact that Mr Cowton is proposing to contravene this covenant suggests his actions are in bad faith.



**OBJECTION TO APPLICATION FOR:**

Supply of Alcohol (on and off sales)

Applicant: Mr Simon David Cowton

Premises Address: St Georges Hotel, 6 St Georges Place, York YO24 1DR

**The prevention of public nuisance:**

My understanding is that anything that damages or inconveniences the rights of the community is classed as a public nuisance. I believe a successful application will do just that to the residents of both St George's Place and the surrounding streets, in particular Moorgarth Avenue. The neighbourhood is predominately residential and there are young children and the elderly living in properties that abut the hotel. At the top of St George's Place there is also a sheltered housing community and the idea of vulnerable people negotiating/being exposed to a drunk/disorderly crowd is a serious concern. Naturally not all customers will consume too much alcohol and cause a nuisance, however the risk is significant. The garden of the hotel is large enough to accommodate sizeable parties and is likely to appeal to groups.

The health, safety, comfort, convenience, and welfare of the community will be jeopardised if the application is successful through potential drunk and disorderly behaviour, noise and increased stresses on the area's parking/traffic.

**The protection of children from harm**

I have already mentioned that children live in properties that abut the hotel. I would fear for the welfare of these children because of the potential language and behaviour they could witness due to drunkenness. The hotel is very close to York racecourse, the chances of racegoers frequenting the hotel is therefore incredibly high and this is matched by the likelihood of these customers consuming too much alcohol; this presents a child protection issue. The parents of these children would have to be on constant guard and resort to ushering them indoors should the problem manifest. The granting of this licence would rob the children of the opportunity to play freely in their own gardens.

**Public safety**

I would assume the purpose of this application is to increase the appeal of the St George's Place Hotel, whether as a guest or as a casual visitor. Whilst I accept some may visit on foot/bicycle/via public transport, given the location of the hotel, many will travel by car. If this is the case, the risk of drink driving is of concern. If the granting of this licence did indeed increase custom (the application suggests being open to the public) it is likely parking and traffic would become a problem. Parking is already at a premium within the area. Very little on-site parking will be available and this would force customers to park on the public highway. Many streets in the vicinity are narrow with pinch points/difficult junctions. Only this autumn no waiting restrictions were implemented within the area of Mount Vale Drive and Moorgarth Avenue; additional vehicles will intensify the problem.

My understanding is that a fire pit of significant size is to be the centrepiece of the hotel's garden. I also believe that the structure of the garden's "pods" will be made predominantly of wood and glass. The siting of the fire pit so close to the pods seems dangerous and the introduction of alcohol is going to heighten the risk to public safety.

**The prevention of crime and disorder**

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**General concern**

Mr Cowton's track record in terms of acknowledgement and willingness to abide by council regulation seems questionable. The work already undertaken on site appears to flout many orders already in place e.g. conservation, archeological, temporary construction (some concrete footings/brickwork completed) and I wonder whether Mr Cowton's statement of how the site will be managed can be relied upon.

Whilst Mr Cowton says in his application that he will encourage customers to be considerate of the neighbours, to date he has not behaved in such a manner. The council have a significant number of complaints on record, made by these very neighbours, both prior to and whilst this work has been undertaken. He persists in having extremely large bonfires through the day with no regard whatsoever for his neighbours who may have their windows open, washing out or, indeed, anyone who may suffer from asthma/breathing difficulties.

I also understand there is a covenant on the property that forbids Mr Cowton from using the property and grounds for the sale of alcohol. The fact that Mr Cowton is proposing to contravene this covenant suggests his actions are in bad faith.

Signed: .r

Date: 8-12-2020

Address: Moorgarth Avenue  
Mount Vale  
York  
YO24 1DP



St Georges Place  
York  
YO24 1DT

15 December 2020

Dear Sirs

Re Licence Application for St Georges Hotel, No 6 St George's Place York YO24 1DR

Applicant: Mr Simon Cowton

### **Objection**

Having reviewed the application, and taking into account the criteria which are stated as valid objections to the granting of a licence, we would like to raise the following objections to granting the licence.

#### **Anti Social Behaviour and the Prevention of Crime**

The police statistics for Y024 show that there is an existing issue with anti-social behaviour, and drunkenness. There is evidence that the occurrence of crimes is already exacerbated on race days, therefore, the granting of another licence within close proximity of the race course, is highly likely to give rise to an increase in anti social behaviour, and crime.

Further, the location of the premises in a residential street, may lead to other drink related anti-social behaviour:-such as excessive noise in the street following closing. Requested to be routinely 11pm, and on some dates as late as 1am. There are already occurrences of drink related petty crime, and anti-social behaviour in the street, including minor thefts, discarded alcohol bottles and take away boxes.

The request for an off licence will provide an opportunity to purchase alcohol in close proximity to the Knavesmire, where it is likely to be taken to consume. Once off licence, there will be no control over who consumes the alcohol, and it is likely that older youths will purchase on behalf of underage drinkers. Given the Knavesmire is used for family activities including organised sports for children, it would seem inappropriate to provide easy access to alcohol so close to this community facility.

The applicant has not indicated whether he intends to be in attendance at the licensed premises. From the information included in the application, it would seem likely the intention is for the premises to be managed most of the time. Although the application says appropriate training will be provided to staff the lack of on-site presence of the license holder is of concern.

It is stated that the business currently comprises 10 rooms, and 8 garden pods. This is not the case, as the "garden pods" are currently under construction, and a new incomplete addition to the existing facilities. The premises is a converted Victorian house in a residential street and has historically operated as a bed and breakfast. The proposed licensed activities would be a major change in use and more akin to a licensed public house and restaurant. The impact of customers leaving at between 11pm and 1am, will without any doubt, be a nuisance to immediate neighbours, who have young families and more generally the community in the immediate area.

It is clear that the granting of a licence would have a material and negative impact on residents and will result in public nuisance and may also contribute to even higher crime rates putting police resources under further stress.

In summary the application, if approved will undermine the licensing authorities stated responsibility to maintain public safety, prevent public nuisance and protect children from harm.

However, we understand that the applicant may be looking at ways to improve the experience offered to residents, and we would not object to a licence being granted if limited to serving residents only with significantly reduced hours.

Yours faithfully,

*A*

Moorgarth Avenue  
York  
YO24 1DP



8th December 2020

Dear Sir,

Ref: Objection to Supply Alcohol (on and off sales)

Please find attached the grounds on which I wish to object to the application you currently have on your register for:

Mr Simon David Cowton  
St Georges Hotel, 6 St Georges Place, York YO24 1DR

Yours faithfully

Encs.

**OBJECTION TO APPLICATION FOR  
Supply of Alcohol (on and off sales)**

**Applicant: Mr Simon David Cowton**

**Premises Address: St Georges Hotel, 6 St Georges Place, York YO24 1DR**

I am writing to register my objection to the application for a premises licence to supply alcohol.

My basis for this opposition is that granting a licence will not promote licencing objectives, particularly those of noise disturbance, disorder, public safety and antisocial behaviour. As Mr. Cawton states on his hotel website, the premises are located in a "beautiful, quiet cui-de-sac". Enabling the premises to sell alcohol would be totally detrimental to this normally quiet residential area. Residents in the area already suffer noise nuisance and antisocial behaviour at all hours through the summer months during York Races as well as parking difficulties.

Should the licence application be successful and the premises did indeed open to non-residents (as suggested in the application) it is inevitable that parking and traffic would become a problem. The capacity of the garden pods is for in excess of 30 people and in an area where parking is already an issue, it is of huge concern.

Generally any activity involving increased numbers of people, vehicles and alcohol especially at night is not appropriate for a residential area where families with children and elderly people reside. It increases the possibility of becoming a public nuisance and significantly raises the risk of disorderly behaviour. As the area is residential it does not benefit from regular police patrols as more commercial premises in the City Centre would and, therefore is left unprotected.

The outdoor pods that are mentioned raise concerns over the impact the noise and adult language that would be heard in neighbouring homes and gardens which children could be exposed to. This raises child protection issues and extra stresses on parents when they are trying to have family time on their own property.

In view of the above I would urge the Licensing Authority to refuse this application.



St. Georges Place  
Mount Valt  
JORK YO 24 IDR  
14<sup>th</sup> December 2020

The Licensing Services  
Hazel Court Eco depot  
James Street  
JORK YO10 3DS.

Dear Sir / Madam

I write in reference  
to the licensing Application  
at 6, St. Georges Place.

I am very concerned that  
it will cause disruption in  
this quiet Residential Street.  
It will create excess noise and  
the strong possibility of nuisance  
in the Street

I would like to register my objection to this project.

We have children in this street and I am very concerned as to their well-being - loud noise at night - which would personally affect my own peace of mind.

I think this application is contrary to the licensing objectives of York Council particularly in terms of public nuisance and child safety and welfare.

I hope that my concerns will be taken into account when considering this application.

Yours faithfully

( ..... )

St Georges Place  
York YO24 1DR

20th December 2020

City of York Council,  
Licensing Section  
Hazel Court EcoDepot  
James Street  
York YO10 3DS

Representation regarding application to supply alcohol on and off premises; Simon Cowton;  
St Georges Hotel, 6 St Georges Place, York, YO24 1DR

We would like to make a strong representation against this application for an alcohol licence which we object to.

We have been residents on St Georges Place since 2004. Our home is to the premises where the license is being sought.

St Georges Place is a quiet residential street generally occupied by families and we fear that granting this licence is likely to result in increased disorder and public nuisance.

Our representation is relevant to certain of the licensing objectives as follows:

The prevention of crime and disorder

We understand that the applicant cannot be held responsible for the behaviour of individuals once they have left his premises. Notwithstanding this fact, the introduction of licensed premises to our residential street would increase the consumption of alcohol in the street and would involve individuals leaving the premises throughout the day and evening who are under the influence of alcohol. We believe it to be inevitable that this would result in instances of antisocial behaviour or disorder which currently do not occur in our street.

The prevention of public nuisance

The supply of alcohol for consumption off the premises would result in increased traffic and footfall in the street. This would increase levels of noise and disturbance dramatically and over an extended period during the day and evening until 11.00pm.

On-street parking which is already relatively limited would be under much further pressure which will be detrimental to street residents and any guests visiting their homes.

In our opinion it is likely that alcohol purchased for consumption off the premises would be consumed in the street which would also result in further noise, disturbance and littering.

The premises is described in the application as having 10 en-suite bedrooms and 8 glass dining pods in the rear garden. The supply of alcohol for consumption on premise to the

dining pods in the rear garden will result in increased noise levels outside which will cause a significant nuisance to neighbours.

There is another matter which gives us great concern. The applicant is currently building eight dining pods in the garden of his premises. We understand he is doing this despite the reasonable objections of his neighbours and at the time of writing without having obtained or applied for planning permission. He has not even consulted with any of his neighbours. The applicant doesn't live at the premises or nearby. This fact and his behaviour to date suggest he is not interested in the impact which his actions would have on our neighbourhood. We are concerned that this apparent lack of interest will inevitably have an adverse impact on the achievement of the Licensing Objectives.

In summary, we strongly object to this licence application and would request that it is rejected.

Yours sincerely,

The block contains several handwritten marks, including a large, stylized signature on the left and various scribbles and initials on the right, all appearing to be in black ink.

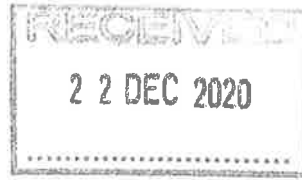


Jemma Kettlestring, Senior Licensing Assistant,  
City of York Council/Public Protection,  
Hazel Court Eco Depot,  
James Street,  
York , YO10 3DS

From  
St Georges Place,  
York YO24 1DR

Tel:

15 December 2020



Representation against proposed development and application to sell alcohol at No 6 St Georges Place, York YO24 1DR

Dear Ms. Kettlestring,

We oppose this development for the following reasons:

The prevention of public nuisance:

The application seeks permission for the supply of alcohol for consumption both on and off the premises, until 23.00 hours, which could lead to additional noise and litter, inconveniencing other residents.

Yours sincerely,

A handwritten signature consisting of a single, fluid, horizontal stroke that tapers at both ends. It is positioned below the "Yours sincerely," text.



---

**From:**  
**Sent:** 22 December 2020 19:21  
**To:** licensing@york.gov.uk  
**Subject:** Application for the grant of a premises licence at St Georges Hotel, 6 St Georges Place York YO24 1DR

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 sir / madam,

I wish to object to the granting of an alcohol licence for non-residents at St Georges Hotel, 6 St Georges Place York.

I believe that the granting of such a licence for non-residents of the hotel would not be suitable for the following reasons;

1. Granting an alcohol licence for both on and off the premises would encourage people to gather and drink in the street and garden which would lead to a significant increase in noise to a late hour and the use of loud inappropriate language unacceptable in a residential street where young children reside.
2. The proximity to York racecourse would encourage groups of rowdy racegoers to drink and urinate in the street.
3. Parking is already a problem in our street and the granting of a licence would lead to further pressure on parking as the Hotel car-park is being overbuilt with 'pods' for outside drinking.
4. Litter would increase dramatically with take-away cartons and pizza boxes being discarded in a residential street.

Such a development might be suitable for the city centre, but it is not suitable in a residential street.

Yours faithfully

St Georges Place  
York





St George's Place  
York  
YO24 1DR

14 December 2020

Re: Licensing application for St Georges Hotel, 6 St George's Place, York YO24 1DR

Applicant: Mr Simon Cowton

### Objection

We object to the application, which is for an on and off-site alcohol licence, from 11 am to 11 pm Monday to Sunday inclusive, and from 11 am to 1 am on Christmas Eve and New Year's Eve.

The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm

There are already problems in the area with crime and antisocial behaviour, and the availability of alcohol to be bought for consumption off the premises will greatly exacerbate this.

In the last year, there has been a theft of a bicycle from a garage in the middle of the street, repeated problems with broken bottles and other litter at the end of the street, causing a hazard to pedestrians, and also loud drunken arguments and conversations outside our houses late at night and in the early hours of the morning, disrupting sleep for working families. Litter is a particular problem, with piles of take away food packaging, bottles and cans being left for days at the end of the street by people using the racecourse, among others.

The road is next to the racecourse and adjoining woodland area, which is a magnet for young people to congregate to drink alcohol and take drugs. The police have attended on a number of occasions, and this summer there has been at least one incident involving serious injury on the racecourse a few hundred metres from the hotel site.

The proposed licensee has stated he will make sure his staff do not serve underage drinkers, and that he will ensure there will be no problems with antisocial behaviour on the site or near it, including dealing with litter, but we are concerned that he does not live on the site himself and does not seem to be intending to manage it personally. In addition, where there are groups of young people, it will be very easy for one 18-year-old to buy alcohol for younger drinkers to consume, and the racecourse will be an area where they can take the alcohol and consume it - with no supervision to avoid drunkenness, crime and antisocial behaviour, and harm to children.



The racecourse also hosts numerous sports activities, including children's football, netball, volleyball, rugby, gym training etc. in the evenings and at weekends. The hours of licensing proposed, from 11 am in the morning, means that there will be alcohol freely available during the times when children will be carrying out activities on the racecourse. The racecourse is also used extensively by young families and older residents for outside exercise and amenity. A licence to sell alcohol for consumption off the premises will increase consumption of alcohol on the racecourse and interfere with the safety and wellbeing of other users, especially children.

The road is a quiet residential street and conservation area, among other densely populated residential streets. There are no other licensed premises in the vicinity, and certainly no off-licence premises. On race days, for example, the proposed off-licence would attract numerous customers for alcohol, with no or little supervision once they are off site. It is not well-lit, and there are no CCTV cameras or other general crime deterrents. The application by the proposed licensee is misleading, in that he describes the hotel as having eight pods in the garden, when in fact these are under construction, and the premises has been operated solely on a bed and breakfast basis for many years.

We would not object to an on-premises licence for the sale of alcohol, for residents only, with greatly reduced hours. However, in constructing the pods, the owner presumably anticipates drawing in non-residents to drink and eat pizza in the garden area of the hotel, and this seems inconsistent with a primary use as a hotel. The hours proposed are inappropriate in a quiet residential street with a number of young families, in particular the late hours in the evenings and on Christmas Eve and New Year's Eve. The hotel is a semi-detached Victorian house, and all the neighbouring houses, on this street and behind it, are very closely packed together, meaning that the potential for disruption in terms of noise and light nuisance, litter and general antisocial behaviour is considerable. As already stated, these concerns cannot adequately be addressed from the hotel site.

Overall, the off licence, and the excessive hours for an on-licence, undermine the licensing authority's aims of preventing crime and disorder, maintaining public safety, preventing public nuisance and protecting children from harm. This is the case both to local residents on this and the neighbouring streets, and to the public (York residents and tourists) who use the racecourse.

Yours truly





Moorgarth Avenue  
YORK  
YO24 1DP

21 December 2020

Representation to object to the application for:  
**Supply of Alcohol (on and off sales)**

**Applicant: Mr Simon David Cowton**  
**St Georges Hotel, 6 St George's Place, York YO24 1DR**

We would like to note the following points about the application made by Mr Cowton:

- The application made does not make reference to the fact the garden pods he is referring on using are under construction at the time of the application thus making representation about the licence somewhat difficult.
- The application does not accurately make reference to the works carried out at the premises in respect of the basement where we assume the bar and other rooms have been made available, so not to affect the rest of the hotel. If so, this would increase the number of individuals that the premises could accommodate.
- Mr Cowton's title deeds contain a restrictive covenant, as do 5 other properties on St Georges Place that stop him selling alcohol. Should an alcohol licence be granted collective residents will seek legal counsel to enforce this covenant which we understand renders it illegal for such a licence to be used. It would appear disrespectful to our community that Mr Cowton would apply for a licence that directly contravenes this covenant that was established to protect the conservation area of St Georges that he ironically promotes in his business literature.

**Context of our situation**

I live with my wife and family in a quiet cul-de-sac, Moorgarth Avenue, which runs parallel with and behind St Georges Place. The area is quiet and overwhelmingly residential. St Georges Hotel has been a very quiet Bed and Breakfast business for many years and has been unmanned overnight. The rear garden of St Georges Hotel is completely surrounded by the gardens of residential property. It has now been cleared and made ready to accommodate 8 structures that will enable residents and non-residents to sit out for the purposes of eating and, in accordance with this license application, consume alcoholic drinks.

We are very disturbed to understand that this license application will permit the sale and consumption of alcohol in and particularly in the rear garden of St Georges Hotel, as it is only some metres from the back of our home, the rear garden of St Georges Hotel, as the photo shows the close proximity.



**Licensing objective 1: Prevention of crime and disorder**

As the hotel is situated in a residential area, the sale and supply of alcohol so close to my home is a threat to my family's safety. Our streets do not benefit from a police presence in the way that commercial areas of the city do. Therefore, the likelihood of crime and disorder will be significantly increased with alcohol availability in and around such a developed garden hotel facility. It would take police longer to reach the premises giving concern to us as a family should a crime or fight break out at the premises or surrounding area. Even the presence of security in the form of door staff would change the quiet residential essence of the area. Currently the area benefits from an almost zero crime and disorder rate. The introduction of a licensed premises right on our doorstep attracting non residents would naturally increase both crime and disorder to the area.

The property is situated close to the racecourse and will naturally attract race goers during the race season. With an alcohol licence and size of the premises the property will hold substantial numbers of individuals, many more than Mr Cowton has applied for on the licence. We are surprised that his application does not include more about the promotion of this objective given the work the city has done to ensure the prevention of crime and disorder during race events. For example, Mr Cowton has not mentioned the recruitment of door staff and security during these events nor during busy times at the property. The personnel on site currently do not have the experience to deal with large crowds of

individuals intoxicated to the levels of racegoers. The application does not mention joining the York bouncer scheme, apologies that we do not know the name of the scheme, where each licenced premises is connected to ensure that barred individuals and groups are not allowed into other premises and to keep onto top of crime and disorder in the city.

The application does not mention specific training about staff dealing with the use of drugs. We are concerned that the premises and the new garden facilities could be used for parties where drugs could be sold and used, given it is located in an area of the city away from police presence. We would be concerned that the owner and his staff are not prepared to handle or monitor such an issue.

We are very concerned that intoxicated or individuals under the influence using these premises would cause great disorder to a highly peaceful and residential area. Many residents are elderly or work from home with children, several properties including my own have young children the impact of such individuals being at the premises is a great concern to us. We are concerned about fighting, shouting, bad language, smoking (we both suffer from asthma), smoking illegal products, use of illegal drugs on site, urination against the wall, bottles and glass being disposed off over the wall, against the wall and in the area, individuals under the influence carrying out crime who would not normally have been in the area.

#### **Licensing objective 2: Prevention of public nuisance**

Our roof extension has full floor to ceiling glass. We will not have any privacy and won't be able to open any windows due to the noise. Our daughter's bedroom is also affected as we won't be able to open her bedroom window, in fact she won't be able to sleep in there any longer due to the noise and fear of a fight breaking out or shouting, especially on race nights.

If the owner installs CCTV and lighting to combat some of this we would like to know where he is going to install this as we do not give him permission to film our house, garden and bedroom at any point. We will take action against him under the data protection act and freedom of information act if we find he has installed CCTV and is filming us without our consent and in particular our daughter! We note in the application he is going to install CCTV.

This will almost certainly cause considerable distress and nuisance to us. People drinking alcohol and enjoying time out produce considerable noise, which so close to my home will mean we will be unable to enjoy our garden in the peaceful way we have for many years. Additionally, my wife and I largely work from home and the nuisance created by day would

make it impossible for us and other residents to work effectively. We are also very concerned that noise and nuisance created into the evening and night will disturb sleep. It will affect the ability of my 3yr old daughter to get off to sleep at 19.30 and effectively maintain sleep, and additionally for working adults to sleep from 21.30.

The very last thing that a solidly residential area surrounding the hotel needs is a licensed facility that will inevitably degrade the environment to the point where it will not be suitable for children and families to walk the local streets, especially at times when trade at the hotel is busy. For children to be affected by general noise, disturbed sleep, shouting and bad language associated with people in and around the licensed facility will be totally unacceptable. It is important that children are protected in their own residential area and, grow up to have confidence that they are safe from the fallout of licensed activities that are all too apparent in the commercial areas of York. Licensing of premises in a residential area such as ours is a direct threat to my daughter's (and other local children's) safety, mental health and right to an undisturbed night's sleep.

Increased levels of traffic generated by this proposed licensed facility will provide additional noise and nuisance especially now that the hotel now has little parking availability of its own. Visiting cars will try to find appropriate parking, where such parking is not generally available in surrounding residential streets. The nuisance associated with people leaving the hotel and driving off in cars will also create a disturbance to sleep in this residential area.

There is a concern that the behaviour associated with such licensed premises may result in bottles/cans, cigarette ends, and general litter being inappropriately disposed of in my and other's gardens. It is also of some concern that light pollution created from the licensed facilities in the hotel garden will create a public nuisance, adversely affecting the rear of my property and that of others in Moorgarth Avenue.

On race days the hotel and its garden will inevitably attract and allow customers to arrive intoxicated and to continue drinking with the obvious generation of significant noise, bad language, litter and light pollution through the night. Some hotel customers may consume far too much alcohol and cause a significant public nuisance, as a large number of people may congregate in the garden area at the rear of the hotel. This would be completely intolerable to ourselves and other residents alike, causing significant public nuisance.

A licensed facility of this significance in a residential and conservation area is overly intrusive to local residents, most unwelcome and will be hugely and adversely impactful on our quality of life. The granting of this license application will create significant public nuisance and will potentially result in a large number of public protection complaints from local residents in respect of the noise and nuisance that will be generated by the alcohol fuelled behaviour of people in, around and leaving the hotel building.

**Public safety**

Given that the hotel to date operates as a bed and breakfast, and is unmanned at night, I am not convinced that the expertise exists to effectively manage licensed premises. Indeed, the hotel owner's readiness to disregard accepted standards of compliance and aggravate residents, which the council is fully aware of as a result of a significant number of complaints, is testament to a lack of concern about the local community, care for neighbours and children, and public safety. I understand that the deeds to the property set out a covenant on 6 St George's Place that prevents the Mr Cowton from using the property and grounds for the sale of alcohol, which the council has been made aware of. Mr Cowton's application is in contravention of this covenant and is evidence of such disregard, acting as he is in a manner which is not the behaviour expected of a trusted licensee. I understand that some of the residents are seeking legal counsel that were a licence granted legal action would be taken against Mr Cowton to prevent him from using the licence by enforcing this covenant of which they share on their property. Something we will support.

We are concerned that the garden, which is vast in size could easily become overwhelmed with individuals in between their meals and overcrowding will become an issue. Throw in the open firepit that Mr Cowton plans on installing (although we remain bewildered how this will be approved in a smokeless zone in the city and health and safety of his own guests!) and the garden will become easily overcrowded. We cannot comment on the inside of the property as plans have not been submitted to the where these guests will eat and drink. Additionally, we do not have confidence that the personnel who have been appointed from his other premises (St Marys Bed and Breakfast) have the experience to deal with the potential of overcrowding. We remain disappointed to see a lack of commitment in his application to the recruitment of relevant expertise, for example an experienced manager from the food and beverage sector to manage such a facility and deal with the ongoing training and management of staff would have been a realistic investment to support professional licensed premises. This would also have given us confidence that residents would have a constant point of contact for complaints and dialogue. Mr Cowton himself is not easily contactable or easy to communicate with on such matters as he himself has not got the necessary experience or skills to run such an establishment.

We are concerned about the promotion of public safety selling alcohol with an open firepit and trust that the appropriate authorities have been contacted about this and that the proprietor will have carried out the required fire risk assessments.

Overall, the potential licensing of these premises in a residential and conservation area will be a significant threat to public safety, cause undue public nuisance and will contribute to crime and disorder. We strongly recommend that this application to license the supply of alcohol at these premises be turned down.

Yours faithfully,

*[Faint handwritten signature]*



**LICENSING ACT 2003 – REPRESENTATION**

A  
 , St. George's Place  
 YO24 1DR

**Application Number;**

**Applicant;** Simon Cowton

**Re;** St. George's Hotel,

**Address;** 6 St. George's Place York, YO24 1DR

***Introduction;***

M, with the hotel on four storeys. The property has been in use as Holiday Flats since 1976 currently offering holiday accommodation on 3 floors with the fourth floor being the home of the owner. The exterior boundary is only a metre high hooped metal fence, in a severe state of disrepair and leaning over, having been pushed against by neglected shrubbery on the 'premises' side, and with significant gaps in it. This would be the only garden barrier b The boundary of the rear garden along the eastern side is 120 feet long, and there is nothing to obscure the noise from the pods or the view of them from this side.

**The Prevention of Crime and Disorder**

- Capacity - The applicant has not stated the maximum safe capacity in line with the recommendation in the council's Statement of Licensing Policy. The external area of the premises is well over 700 square meters. The pods alone are capacious enough to seat over 60 people with extra room for standing and the hotel building itself has an unspecified amount of extra space for drinkers, with possibly the whole of the lower ground floor/basement and other rooms in the house being available.





- Extent of the licensable area- Whilst it is understood that planning permission is not pre-requisite to this application, it is not known to what extent the existing space in the substantially sized building will be covered for the purpose of consuming alcohol, as at the time of writing this representation, no such permission has been sought. Therefore there is no indication of the numbers of consumers likely to be there and the applicant has stipulated that the hotel has 10 en-suite bedrooms and there are 8 'pods' in the rear garden of the hotel. It is evident that there are 4 en-suite rooms on the 2<sup>nd</sup> floor, another 5 such rooms on the 1<sup>st</sup> floor and one more room on the ground floor along with reception/ dining room. This means that the entire lower ground floor/basement, which is of the same area as the other floors, is unaccounted for in terms of what use it will be put to.
- Door Supervisors – With regard to capacity there it is not stated what number of Door Supervisors there will be or whether they will be adequately trained and licensed by the Security Industries Authority in accordance with the council's policy. It would appear that the applicant is relying solely on his untrained hotel and bar staff.
- Boundary/Separation from adjacent properties. -The boundary between the licensable premises and the adjacent property to the east is approximately 120 feet long and would need to be guarded. It is not a substantial wall as the other boundaries are but a low hooped metal fence which is falling down and has gaps that could easily allow incursion by people onto the neighbouring property and from there to other properties.
- Night time security -The applicant has made no provision for night time security, except for CCTV. The premises will therefore be unattended out of business hours and at night - just as they have been since the current owner took over approximately 30 months ago. This fact is likely to be well known among un-desirable contacts and there have been recent incidents of 'Break Ins' on the premises and police called (23<sup>rd</sup> and 26<sup>th</sup> December 2020) and arrests made with evidence of drug use found. Prior to this there have been occasions when guests apparently booked into the hotel have not been able to gain access, which has resulted in neighbouring households being disturbed by paying guests trying to get in.



## **Public Safety**

- Electricity – The use of electricity to provide heating and lighting with cables running underground presents another safety hazard for users.
- Fire prevention – It is intended that a “huge fire pit” as quoted in a national newspaper will be incorporated into the area posing obvious safety concerns regarding people under the influence of alcohol.
- Escape in the event of fire or other emergency could be hampered by parked cars as the only means of exit is through the car parking area which could be completely blocked by cars.

## **The Prevention of Public Nuisance**

It is anticipated that the licensing of these premises will have a very significant impact on the character and amenity of this neighbourhood for a number of reasons, especially with regard to the potential capacity;

Noise -The premises are in the centre of a quiet residential street in a neighbourhood where ambient noise levels are very low especially at night. Being a Cul-De-Sac the street is free from through traffic and far enough off the main road to be not affected by noise from normal daily traffic circulation. There are no other licensed or retail businesses in the street and only one licensed premises (a hotel) within half a mile distance. The comings and goings of the level to be reasonably expected by licensing these premises will devastate the peaceful ambiance of the street.

- Being situated some distance from the city centre it is likely that the majority of patrons will arrive and leave by private car or taxi creating traffic noise late into the evening and additionally car doors slamming.
- Loud talking and chattering by small groups of people is to be expected by frequent comings and goings into the street late into the evening and during the day.
- This will be exacerbated during race meetings – being in such close proximity and adjacent to the race course, and even larger numbers of drinkers can be expected.
- There will be a general hum of noise created by people in the garden of the premises, which is likely to reach quite loud levels given the potential capacity. Being immediately adjacent to several neighbours' gardens such noise is likely to interfere with people enjoying the peaceful amenity of their own gardens and their own homes – voices of only two or three persons being drowned out by much larger populations on the licensable premises. This is bound to cause some disturbance to family life.
- Spontaneous loud cheering and laughter can reasonably be anticipated from such a large gathering of people drinking in a sociable setting, further disturbing neighbours in their homes.



- The [redacted] with the adjacent property (in use as Holiday Flats) at 'number [redacted]' over 4 storeys is very thin and in normal circumstances it is possible to hear through the wall clearly when there are only two voices to be heard. It follows that the noise that will be generated by a significant number of drinkers will be intolerable.
- Smoking – There is no mention regarding the management of cigarette smoking. Will there be designated smoking areas? Will smoking be allowed on the premises outside the pods? (assuming it would not be allowed inside the pods by statute) I am concerned about the likely lobbing of cigarette ends over the fence into the kitchen garden. Also there is a likelihood of cigarette ends being thrown onto the pavement especially in the vicinity of the hotel.
- Light pollution - There will be a significant amount of night time lighting in this large garden adding further disturbance to neighbours' amenity. There will be interior lighting in the 8 glass greenhouses as well as exterior flood-lighting. We are already seeing some evidence of this being installed.
- Toilets- The nearest toilets are some distance away on the far side of the car park, in the main building of the hotel. There is no doubt that some will find it easier to use the bushes along the boundary with the next door's garden, creating obvious nuisance and a health hazard.
- Parking – There is already insufficient parking in the street for existing residents and some residents do not have access to any off-street parking. The hotel and its premises have only 4, or maximum 5, spaces, which is barely enough for the hotel guests alone. Licensing these premises will attract more vehicles looking for space to park and we can expect that driveway entrances and dropped curbs will not be respected by some.

### **The Protection of Children from Harm**

- Light pollution and noise so near to several young children's bedrooms is bound to disturb their sleeping until after 11.pm and even later on occasions. The pods are less than [redacted] metres away from bedroom windows.



**From:**  
**Sent:** 01 January 2021 18:12  
**To:** licensing@york.gov.uk  
**Subject:** Application for alcohol licence at 6 St George's Place, York. YO24 1DR

**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 Sir or Madam,

I am writing to make a representation against the above application, which was submitted by Simon Cowton, the owner of the above premises.

I would like to make the following comments :

St George's Place is a quiet residential cul de sac comprising of a mix of property style, though is almost entirely family houses. It also has around 20-30 social housing dwellings for vulnerable people at the top the cul de sac, who live safely and securely, and who benefit from the calm nature of the street and are protected from passing traffic. This road is not appropriate for the operation of any business as the road surface is already in very poor condition and desperately in need of resurfacing, increased vehicle usage will compound this already serious problem

The street does not benefit from permit parking and is therefore used on a daily basis by shoppers, workers, train travellers and hotel users from the Mount, because this is the last street, before town, to be permit free. This causes heavy usage of parking spaces and frequently leads to dangerous and inconsiderate parking and blocking of driveways . Any further increase in **traffic, parking and social use in the street cannot safely be supported by the current infrastructure**

Given this context I would make the following comments :

1. Prevention of crime disorder:

There is no reassurance in the application that suggests there will be constant presence of the proprietor or his staff at the hotel. Since the application was made and the installation of "temporary" glass houses (incidentally, there is nothing temporary about concrete bases and fixed glass structures) ,there have already been two occasions where neighbours and members of the public have had to call the police. The first took place on 23rd December, resulting in the arrest of one individual after a break in to the hotel via the external fire escape . This would not have happened had the building been properly secured and not left empty The second occasion on Boxing Day resulted in three police vans and police dogs attending the premises, allegedly for drug related investigations

It is clear that the "advertising" of this property via Facebook and other social media is already attracting unwelcome attention and promotion of the property to malevolent individuals, hence spoiling the pleasure and calmness of residents in the street, some of whom have lived here for decades and are elderly and vulnerable. None of the residents want to live so close to what is effectively planning to be a pub with pizza pods, which may be unmanned overnight. It is therefore very likely that crime incidents will increase in the street.

## 2. Public Safety

This street is a quiet and wholly residential neighbourhood. It is not suitable for commercial eating and drinking at an outside venue. Late night drinking will always pose a degree of uncertainty to the safety and wellbeing of neighbours and especially the housing for vulnerable adults at the end of the cul de sac and who have to pass up and down the street.

## 3. Prevention of public nuisance

The inevitable gathering of people both inside the pods and possibly on the street especially at busy times of the year such as summer weekends and York Race Days, due to the close proximity of the premises to York Race Course and the Knavesmire, will cause noise, disruption and a nuisance to the quiet enjoyment of the street. Any use of signage asking clients to respect the neighbourhood and leave quietly, would in my view, be wholly ineffective.

4. The application offers no confidence or reassurance that there will be strict measures in place to prevent or manage alcohol consumption by under 18 year olds. Beer and pizza pods will become a magnet for underage drinking

In summary, I believe the granting of "temporary" permission for the erection of the glasshouses and the subsequent application for alcohol license is in contradiction to the interests, welfare and enjoyment of residents in the street, putting health and safety at risk.

The actions, so far, of the applicant have shown a flagrant disregard for the process set out by the council and for the consideration of neighbours in both St Georges Place and Moorgarth Avenue. There is weak provision for the safety and concern of residents and I feel most strongly, that granting this licence will seriously undermine the enjoyment of all the residents in the street and adjacent neighbourhoods.

I can be contacted at anytime for further comment if required

Yours sincerely

I

St Georges Place  
York  
YO24 1DR



St Georges Place

York

YO24 1DR

29th December 2020



The Licensing Services  
Hazel Court Eco Dept  
James Street  
York  
YO10 3DS

**Objection to the Premise Licence Application at St George's Hotel, 6 St George's Place, York**

Dear Sir/Madam,

I write to very strongly object to the application for an alcohol licence at the above premises. We live at no. 1 St George's Place so are immediate neighbours and our garden is adjacent to the development. The negative impact for us is therefore huge, affecting our lives and our children's lives on a daily basis.

We oppose the development due to the following issues:

**The Prevention of Crime and Disorder**

**Lack of CCTV:**

The owner has only proposed wide angled CCTV at entry and exit point (to cover premises), this does not take into account the potential for crime on the adjoining properties or outside on the street.

**Opportunity for Theft:**

Users of the premises will be able to have visible access to the contents and security at the rear of our property. The rear garden walls do not screen this from happening. Because of this property from the rear of the garden could be stolen and potential entry points into the rear of the house could be identified.

**Unreasonable Behaviour:**

There are no proposals to prevent unreasonable behaviour from customers. It is not uncommon for disagreements/arguments/fights to occur when alcohol is involved. This should not be something that could happen in a residential area on a regular basis. As with many drinking establishments should there not be door security? I also believe York has a local communication procedure between pubs/bars/restaurants that would prevent large nuisance groups or individuals that have been troublesome entering neighbouring establishments. There is no mention of the applicant being part of this network which is extremely concerning.

**Offsite Drinking:**

There are no provisions in place to prevent customers taking their drinks offsite including drinking on the local street/roads. This can cause anti-social behaviour, littering/broken glass and unacceptable noise levels. This could be further exasperated by the "off sales".

**Inadequate Toilet Facilities:**

There are inadequate toilet facilities provided on site. This could result in customers urinating/vomiting on the property, in neighbouring gardens (especially as there is not even a fence/wall in places between number 6 and number 4 St Georges Place) Customers could also urinate or be sick in the street and on residents cars.

**Vandalism:**

Higher rates of vandalism could occur. This is already a problem in the surrounding area and particularly on race days. As this is an "open for anybody" proposal the increase in this activity could migrate into St George's Place and other adjoining streets.

**Taxi Waiting Area:**

The outside of the hotel is already used frequently as a 'taxi waiting area'. In the past we have also had race goers sleeping on the pavement waiting for taxis. With the addition of a licence this sort of behaviour would increase and is highly inappropriate with so many vulnerable adults living along the street along with neighbouring families.

**Arguments Regarding Noise:**

Noise levels will undoubtedly be higher which could cause conflicts and arguments between neighbours and customers.

**Over Drinking of Alcohol:**

There appears to be no controls in place regarding the over drinking of alcohol. Again this could result in vomiting on the street outside residential homes.

**Insufficient Boundary Height:**

The boundary height is insufficient to prevent bottles/glasses/cigarette ends and other rubbish being thrown into our garden. Our children and ourselves could be subject to broken glass and other potential dangers. In addition whilst we are in the garden objects eg bottles, plates etc could be thrown which is a real risk to our safety.

**Unmanned Premises:**

The fact that the premises have been largely unmanned for the last 2 years+ has already created many huge issues with surrounding neighbours. Guests staying at the hotel are expected to gain entry to the building via a code entry system however often the system hasn't worked or guests have forgotten the code and have been left locked out. With the addition of a licence this problem could be even further exacerbated with inebriated guests returning to the premises at all hours and having to shout and bang on windows and doors to get back in.

The fact that the premises are unmanned is also of great concern with regard to the 'glass pods'

and garden area. There is nothing to stop people using the pods out of hours (no gate/security/live in staff). The domes could be occupied at night out of hours and this would be completely uncontrolled.

**Drug Prevention:**

There is no drug policy or prevention currently in place and this is already a current issue with the hotel itself. Over Christmas 2020 the police have been called out twice and they have confirmed that individuals have gained access to the hotel more than once and have found evidence of drug activity (discarded needles and blood on bed sheets/pillows). One arrest was made on the evening of the 23rd December after neighbours on Moorgarth spotted two people breaking in through the fire escape. The police were called again by staff of St Georges Hotel on the 26th December after another suspected break in whereby the intruders barricaded a door and further evidence of drug use was found. On this occasion the police believe that the individuals fled after being earlier disturbed by a member of hotel staff. Please see photo below (taken on 26th December 2020):



The addition of an alcohol licence would further encourage and exacerbate this drug problem enticing further undesirable individuals to the local area and potentially extending the drug problem into the garden. This is particularly of concern to us as we have two children under the age of 10 and in the potential event of drugs being thrown into our garden due to a visit from authorities or from just generally being discarded our children could be exposed to this. Our other concern with this drug incident is the lack of awareness by the hotel owner about who is actually in the hotel at any one time. We had noticed people 'staying' in the hotel for a number

of days and standing on the balcony but had assumed they were guests. As it turns out they were intruders and drug takers at that. If the owner is unaware of who is residing in the hotel how can he possibly be aware of who is using the pods on an evening?

Our final concern about this incident is the hotel owner's lack of communication and warning to the local residents and police about the break in and subsequent drug use. At no point were the local residents formally warned about the first break in and drug use (which we believe the hotel knew about on the 22nd December). When we found out through casually chatting to a member of staff on the 23rd December we phoned the police in the afternoon but were told they had no record of an official complaint being lodged by the owner. The owner had however boarded up one window where he believed the suspects were gaining entry so was aware of the crime. It was on the evening of the 23rd that the arrest was made with the suspects having easily broken in despite the boarded up window. Had the member of staff not mentioned the initial break in 'ourselves the residents' would have not known to keep an eye out and the person would not have been reprimanded. Surely in these first few days of being aware of such a break in a responsible owner would have drastically increased their security with bolts on the doors, video cameras and security staff but instead the property was left vulnerable and unmanned to subsequent break ins. On the day after the arrest the hotel staff said they'd been trying to contact the owner by phone but he wasn't answering or calling back. Sadly it was down to the residents to actually 'watch over the place' which is indicative of how the alcohol license could end up being managed too.

### **Public Safety**

The owner in his application appears to identify that if fire extinguishers, exit signs and that if appliances are working correctly then these contribute to public safety of both his customers and the residents. Again, no effort has been made to ensure the application minimises the risk of public safety.

There are however many concerning issues:

#### **Broken Glass on Street:**

Injuries to customers inside premises and also to the potential of broken glass on the street which has wider implications to the general public.

#### **Parking Facilities Unsafe:**

The proposals contained within the application include the existing car park which has 4 spaces, this is located between the toilet inside the hotel and the proposed 'pods'. It is expected that cars will be arriving and leaving during operating hours, therefore causing a very real danger to customers moving between the pods and the single toilet.

In addition to this there is no physical protection between the pods and the car park. In the event of a vehicle losing control in the car park and colliding with the pods/fire pit, this would have a disastrous outcome if customers were dining in the pods.

**Increased Traffic and Parking from the Additional Customers not resident at the Bed and Breakfast:**

St Georges Place is currently a relatively quiet street except in the morning when commuters use the street to park. The increase in vehicles using St George's Place poses a real danger to public safety.

**Glass Pods:**

Prior to usage could the thickness of the glass pods please be established? We believe the model being erected in the garden is a Vitavia model which is only 3mm toughened glass. This can be easily broken by falling objects and even sports balls. This is of particular concern to us as we have children who regularly play sports in the garden and we have three pods along the . Should the thickness of glass for commercial usage not be a minimum of 6mm toughened glass?

**Managing and Controlling Access of Customers into the Rear Garden:**

With no security staff or gate many customers could potentially congregate in the rear garden. Overcrowding could become dangerous to customers in particular to those congregating around the 'huge' fire pit which the owner was recently proposing in the Guardian newspaper. In the event of a fire is there adequate safe access for people to evacuate the premises particularly from the rear pods, past the fire pit? As you can see from the photo below the garden has been crammed with very large scale pods leaving little room for access.



**Drinks/Cheap Alcohol Promotions:**

It is well proven that cheap alcohol encourage not just crime and disorder but also public safety, the two are intrinsically linked.

**The Prevention of Public Nuisance**

It appears the measures in place proposed by the owner will be to have signs around the premises and to ask customers to leave quietly and have consideration for neighbours. Again, falling short of an application that has due care for the residents and surrounding area.

Our concerns for this issue are as follows:

**Increase in Customers and Taxi Movements:**

Noise and pollution from idle engines and also from customers waiting for taxis outside the premises.

**Increase in Deliveries/Waste Management:**

With no provision for controlled delivery times, residents could have increased disruption during inappropriate times. The collection of commercial bottles and glass is particularly noisy and often in the early hours. This is inappropriate for a residential area.

**Noise from Outside Kitchen:**

There has been no mention of the outside kitchen in the licensing application however as this has been communicated to the media then we will assume this is the case. An outside kitchen will generate an unacceptable level of noise in a residential area since they require suitable ventilation, extraction and washing facilities.

**Littering:**

A number of hotel guests at St Georges Hotel already find it acceptable to smoke out at the front of the premises and extinguish and leave their cigarette butts on the pavement or in flower beds. This kind of behaviour would substantially increase. Already particularly after weekends and the races residents find empty bottles and cans of drink thrown or shoved carelessly into front gardens/hedges. This nuisance behaviour is only going to increase with an alcohol licence being granted.

**Overcrowding:**

There are no measures in place to prevent overcrowding and this increase in unmanaged crowds will lead to a very significant rise in noise and disturbance.

**The Protection of Children from Harm**

The application only takes into account of 'children' in the situation as a minor attempting to purchase alcohol on site. There are no mention of measures to protect children who are directly affected by the close location of this proposal.

**General noise and disturbance:**

This is a particular concern in a family area. Families of all ages live here and many have young children who need to have established sleep patterns, uninterrupted by noise in the small hours, regardless of days of the week, not just school days. The lack of a consistent sleep pattern is proven to have a negative impact on the mental health of children.

Our children's bedrooms are in direct line of sight from the pods and less than 10m from the access driveway. People visiting the garden restaurant will cause a noise issue (this doesn't need to be loud) and will therefore have an effect on their sleep patterns.

**Light disturbance:**

It is being proposed that the licensed area including the pods and the garden are to be illuminated. With so many children's bedrooms in the close surrounding area this is ridiculous as the light will easily permeate around the edges of the curtains, infiltrating bedrooms and preventing children and adults alike from going to sleep. The size of the pods are huge (3.8m each) and so if lit with chandeliers like the owner is proposing they will produce an unacceptable light intrusion in what would otherwise be a pitch black environment. Coupled with noise pollution this will create entirely intolerable surroundings for a peaceful nights sleep.

**Limiting the use to the garden:**

We feel that the potential alcohol licence will have a significant effect on our children's enjoyment of the garden. Due to the close proximity our children will be subjected to bad language and inappropriate conversations and behaviour. During the races in particular this could be all throughout the day and night.

**Privacy issue to our children's bedrooms:**

Both our children's bedrooms are at the back of the house and therefore can be easily seen from the garden pods. Diners will have a direct line of sight into these bedrooms and therefore the privacy of our children. We feel that it is not only unfair but very inappropriate to allow a licensed development that allows visual sight to children's bedrooms. It is not right that we would have to have curtains drawn all day to satisfy the profits of the owner with no regard for children's welfare.

**Allergies and Asthma:**

Our son has various allergies, some severe which may result in anaphylactic shock. For this we have to carry EpiPens and he also has two EpiPens at school. In the past the doctors have also expressed their concern about asthmatic tendencies and have previously prescribed inhalers. As you can imagine the extraction facilities of an outdoor kitchen, the fumes from fire pits and pizza ovens are all extremely concerning. We're also particularly worried about the fumes from smoking from the front and back of the premises as this is where our children play and ride their bikes/scooters? Our other concern is the possibility of peanuts or any other type of nut being given to our child (by a well meaning customer or discarded in our garden) as this particular allergy can be life threatening. Our children play daily in the garden especially during Spring and Summer and we feel they should be free to do this without worrying about what they may come into contact with.

**Loss of privacy and use in our front garden:**

We use our front garden quite regularly due to the south facing aspect, more importantly our children also play in the front garden and use the drive to practice riding their bikes. With the very low wall to the adjacent number 6 we feel that this level of separation does not protect our children from harm, it would be very easy for guests to leave half empty drinks on our wall which could be consumed or even fall off and smash into our front garden. Cigarette ends can also be an issue.

In addition to this on race days when it can become very busy and door security may be required. Are we expected to leave our children indoors due to the potential conflict with race goers? Also, how appropriate would it even be to have security staff based on a residential street?

**PREMISE APPLICATION FOR 6 ST GEORGES PLACE**

We would also like to make comments on the content of the actual application as we feel this is an integral part of the decision making process.

**Part 3 Operating Schedule**

Our first concern over this is that the owner indicated that the license application was for residents of the bed and breakfast only and on a temporary basis (COVID). Clearly no restrictions are asked for and therefore no intention for the proposals to be temporary. We would also like to clarify that "residents" are those that are staying overnight.

We would argue that the description of the premises is also a little misleading, whilst we do agree it has 10 en-suite rooms and a dining room for breakfast, the 8 individual "glass" garden domes are not in place at the time of application.



**Photos of the rear at 6 St Georges Hotel  
(Photos taken 28<sup>th</sup> November 2020)**

The owner has also described the premises quite differently in the Guardian on the 24<sup>th</sup> November 2020.

**Covid-proof "glass garden" at St George's, near York racecourse: eight hexagonal glass, wood and stone structures arranged around a huge firepit inside a walled garden, complete with outdoor kitchen and wood-fired pizza oven.**



We feel that this is an important point to raise due to the safety implications around fire risk (no mention of the "huge" fire pit, outdoor kitchen and wood-fired pizza oven. We feel that this is a false statement and should be considered under Section 158 of the licensing Act 2003.

**SECTION M**

In all sections the owner has made no effort in tailoring these very important objectives with the surrounding environment, residents and the adjoining business. These appear to be completely standard statements designed to tick a box rather than deal with the real concerns of residents who would have to deal with the fallout of such a ridiculous and selfish application. Again, the effort the owner has put into this application just proves how little he cares for the area and the people who live and work in it (working from home). It should also be noted that the property is currently for sale and therefore we feel that the owner is not wholly committed to this proposal and to making it work.

**SCALED PLANS**

**1:1000 Plan**

We feel this is also very misleading and indicates a 2.1m high wall between the corner of the garage (on the boundary of 6 and 8) and the rear brick wall boundary. The distance of approximately 24m is not 2.1m high on 6 St Georges Place for the length but only 2.1m for a distance of 3.5m from the corner of the garage. The remaining length of wall is 1.9m high on 6 St Georges Place side but 1.5m high on 8 St Georges Place. In addition where the large trees on the boundary are located it is only 1.5m on the side of 6 St Georges Place.

This is a very important consideration due to the outlook on 8 St Georges Place being very different from number 6 due to the lower height of wall



***Photos of boundary wall with measurements (Photos taken 28<sup>th</sup> November 2020)***

There is also no detail shown of the "huge" fire pit, outdoor kitchen and wood fired pizza oven. This needs to be on the plan so that the fire officer can provide comment on the whole application not just parts of it. This was a requirement.

In addition, the plan states that each dining dome will be a minimum 2m apart, again the owner is misleading with his description which may also have safety and fire implications.

**1:10 Plan and floor plans**

The 1:10 plan is also misleading in that it would appear there is more circulation space around each dome than there actually is. A site visit is recommended, we would also be happy to allow access to our property to aid with any assessment.

The floor plans supplied also only show 1 single WC on the ground floor. Access to this single toilet is also not compliant in accordance with the Disabled Discrimination Act (DDA). Only having one WC for a development of this nature is surely a public health/protection issue. We have also noted that the **basement plan is not included**, we therefore assume that this space will not have any part to play in this development. There is a lot of work in the basement which is currently an unused space, we suspect that this space is being converted for use as part of the "Glass Garden Restaurant", however it is not listed as a space being used as part of the license application.

**Restrictive Covenant's**

We would also like to take this opportunity to bring to your attention the Schedule of restrictive covenants to title number NYK12073 (6 St Georges Place). For your information numbers 4, 8, 10, 12 and 14 also share the same covenants.

**Schedule of restrictive covenants**

The following are details of the covenants contained in the Conveyance dated 26 June 1897 referred to in the Charges Register:- "the said William Rose doth hereby for himself his heirs executors administrators and assigns covenant with the said William Benson Richardson his heirs and assigns that the said William Rose his heirs and assigns will at all times hereafter observe and perform the stipulations and regulations in relation to the premises herein before conveyed which are contained in the Schedule hereto

1. NO trade or business shall be carried on upon any part of the piece of land in the above written Indenture conveyed and in this Schedule hereinafter referred to as "***the premises***" nor shall any ***building that may be erected thereon be used for the sale of any intoxicating liquors.***

In terms of this application item 1 is relevant today as it was when it was first introduced on all the properties to protect the residents and amenity. As you are aware covenants were applied to protect rather than hinder and are basically the same as the planning rules that are in place today although legally binding.

As we are also beneficiaries of these covenants we are able to enforce these to protect the area from inappropriate development. It is our understanding following legal advice, that whilst an individual can obtain an alcohol license, the premise license is very different and is attached to the

premises itself. As there are planning (covenants) restrictions for the building not to be used for the sale of alcohol we feel that this should have some reflection on the granting of an alcohol licence as clearly the building has been deemed unsuitable for this purpose in the past and this is still more than relevant today.

A copy of the title number is attached for your information.

**Conclusion**

We feel that there are too many undisputable objections to this application for approval. This does not even include the number of planning and safety issues outstanding with the proposed development. The area is in a conservation area and 99% residential. Every inch of the boundary at 6 St Georges is covered by residents and a similar business who are objecting to this proposal, this is a resounding "we don't want this". In geographic terms the area has always been residential, remember number 6 was also a residential property as well at one stage.

We object to the premise license in its entirety and would not consider any type of license that enables the general public to drink and eat in the grounds or in 6 St Georges Place.

f



Title Number : NYK12073

This title is dealt with by HM Land Registry, Durham Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 2 DEC 2020 at 12:30:58 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: NYK12073
Address of Property	: 6 St Georges Place, York (YO24 1DR)
Price Stated	: £965,000
Registered Owner(s)	: SIMON DAVID COWTON of Skelton Manor, Church Lane, Skelton, York YO30 1XT.
Lender(s)	: National Westminster Bank PLC



Title number NYK12073

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 2 DEC 2020 at 12:30:58. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

## A: Property Register

This register describes the land and estate comprised in the title.

YORK

- 1 (13.08.1978) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 6 St Georges Place, York (YO24 1DR).

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (23.05.2018) PROPRIETOR: SIMON DAVID COWTON of Skelton Manor, Church Lane, Skelton, York YO30 1XT.
- 2 (23.05.2018) The price stated to have been paid on 3 May 2018 was £965,000.
- 3 (23.05.2018) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 4 (23.05.2018) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 3 May 2018 in favour of National Westminster Bank PLC referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title and other land dated 26 June 1897 made between (1) William Benson Richardson and (2) William Rose contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (23.05.2018) REGISTERED CHARGE dated 3 May 2018.
- 3 (23.05.2018) Proprietor: NATIONAL WESTMINSTER BANK PLC (Co. Regn. No. 929027) of Credit Documentation Department, 8th Floor, 1 Hardman Boulevard, Manchester M3 3AQ.

## Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 26 June 1897 referred to in the Charges Register:-

"the said William Rose doth hereby for himself his heirs executors administrators and assigns covenant with the said William Benson





## Schedule of restrictive covenants continued

Richardson his heirs and assigns that the said William Rose his heirs and assigns will at all times hereafter observe and perform the stipulations and regulations in relation to the premises hereinbefore conveyed which are contained in the Schedule hereto

THE SCHEDULE above referred to

1. NO trade or business shall be carried on upon any part of the piece of land in the above written Indenture conveyed and in this Schedule hereinafter referred to as "the premises" nor shall any building that may be erected thereon be used for the sale of any intoxicating liquors.

2. THERE shall be erected and when erected for ever afterwards maintained a fence wall adjoining Saint George's place similar in all respects to the fence wall adjoining Saint Georges place of the property adjoining the premises on the West side thereof or some other proper and sufficient fence wall with pallisades and gates of such pattern and height as the Surveyor of the above named William Benson Richards hereinafter referred to as "the Surveyor" shall approve.

3. NO buildings other than not more than two detached dwellinghouses each of not less value than Eight hundred pounds exclusive of the value of the site or not more than four semi-detached dwellinghouses each of not less value than Six hundred pounds exclusive of the value of the site with usual outoffices stables coach-houses hothouses and fence walls shall be erected on the premises. Each such dwellinghouse shall be set back from Saint George's place twenty one feet to the front line of buildings shewn on the plan drawn upon these presents and thereon marked "line of frontage". No stables or coach-houses shall be erected on the premises except within the distance of fifty feet from the Northern Boundary thereof.

4. THE front elevation of each dwellinghouse and plans of the outoffices stables coach houses and hothouses connected therewith shall be submitted to and approved of by the Surveyor previously to any work being commenced and such plans when approved shall be adopted and the works executed accordingly. The bricks to be used in the construction of the outside of each dwellinghouse and of any other buildings on the premises and of the fence walls thereof adjoining Saint George's place shall be of such quality and colour as shall be approved by the Surveyor.

5. NO stable erected on the premises shall be let off apart from the dwellinghouse to which it is appurtenant nor shall any right to pass or repass over the premises or any part thereof from the land adjoining thereto on or towards the North side to or from Saint Georges place be given granted or leased to the owner or owners Occupier or Occupiers of the said adjoining land."

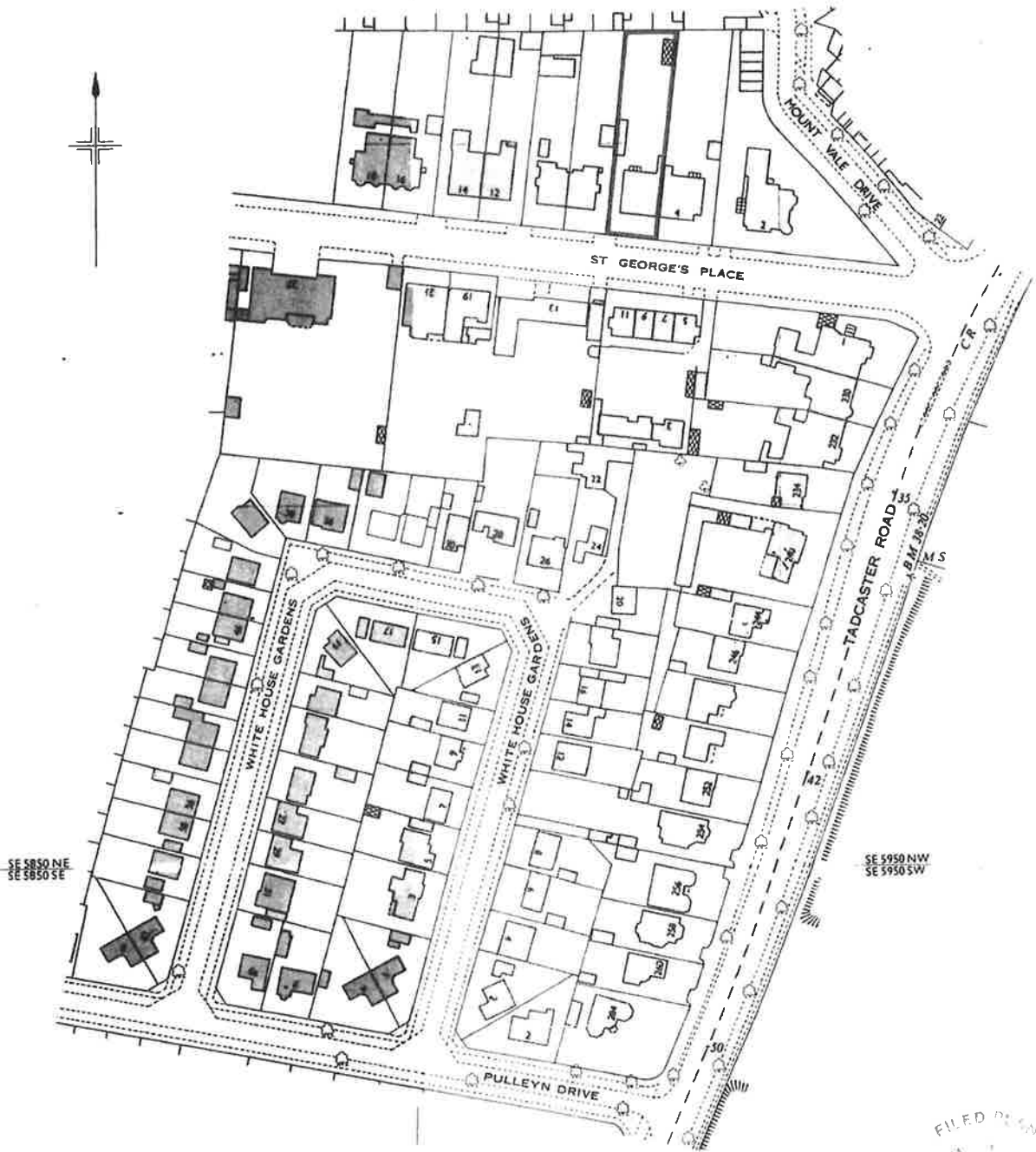
NOTE: The western boundary of the land in this title forms the west side referred to in the second paragraph of the Schedule.

End of register



H.M. LAND REGISTRY		TITLE NUMBER	
		NYK 12073	
ORDNANCE SURVEY PLAN REFERENCE	SE 5950	SECTION E	Scale 1/1250
COUNTY NORTH YORKSHIRE		DISTRICT YORK	
			© Crown copyright 1976

ADMINISTRATIVE AREA YORK



This is a copy of the title plan on 2 DEC 2020 at 12:30:58. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Durham Office.



Representation regarding Premises Licence at 6 St Georges Place



Dear City of York Council Licensing Unit,

We refer to the recent application for an on and off the premises licence for St George's Hotel, 6 St George's Place, York, which in our opinion represents a full change of use for the premises.

We wish to make a representation against this application on the following points;

1. Prevention of Crime and Disorder.

These premises have a close proximity to the racecourse and off sales of alcohol would attract individuals attending the races for pre and post off sales during race days. Blossom Street has had a history of disturbance on race days and we believe this disorder would be directed to a quiet residential street. We are concerned that race goers calling for off sales and takeaways in an intoxicated state will encourage crime to occur in the surrounding area. Making alcohol available as off sales in a venue in such proximity to the race course is likely to encourage gatherings in the street, as already occurs at the local pubs on race days.

We are aware that many pubs on the route into York significantly increase their security on race days. In a residential street a lack of obvious security could encourage criminal behaviour.

2. Public Safety



Access to the premises is limited and therefore visitors who chose to drive will have no alternative but to park on the street. The street already suffers from individuals who park their cars and walk to town in order to avoid parking charges and those who chose to park there on racing days. On many occasions residents cannot park outside their own properties or indeed in the street at all and double parking has also occurred in the past blocking the road. Having off sales of alcohol and takeaways will exacerbate this situation.

Over the last few months there has been a number of occasions when irresponsible drivers have driven very fast up and down the street. We believe this type of behaviour will increase if what is effectively a public house is allowed to open on the street. There are children and vulnerable adults who live in the street and irresponsible motorists would represent a threat to them, in what is essentially a quiet cul de sac.

The bottom of St George's place is already frequently used as a turning circle for motorists who wish to change direction, this can cause confusion when residents are leaving the street to turn onto Tadcaster Road. The top of the street is frequently used for motorists who wish to make 3 point turns and again this already existing road safety issue would be increased by encouraging more traffic.

The York Stone paving on St George's Place is literally a hazard when wet and many residents walk down the centre of the road on rainy days. Any intoxicated visitors during inclement weather are likely to slip on this unique paving.

The applicant has informed local neighbours that he intends to heat the pods with a fire pit which we believe could be a hazard if it does not fully





meet both the fire standards and Page 129il fuel burning regulations.

### 3. Prevention of Public Nuisance

Off sales of alcohol and takeaway meals will attract people to buy and then consume their food and drink either on the street or on the racecourse. This will cause further littering in the area which is already an issue for residents. Walking on the Knavesmire recently has revealed an ever increasing number of discarded glass alcohol bottles.

In addition the applicant has informed you on his application that there are already pods in the garden of this hotel. This is not the case as they are currently being erected and therefore at this time residents of the hotel or other visitors will be encouraged to sit in the garden. Nearby residents already find hotel visitors can be a noisy nuisance in the summer evenings and this situation can only deteriorate when pods become available.

In addition any smoking areas put into the garden may affect nearby residential properties whose gardens align with the hotel.

### 4. Protection of Children from Harm

This is a dedicated residential area and excessive noise and antisocial behaviour will affect many local families with young children. We also are concerned that some individuals may be persuaded to buy alcohol for under 18's who use the Knavesmire as a meeting point.

We do hope you will take these points into consideration when you appraise this application.



Kindest Regards

04/01/2021

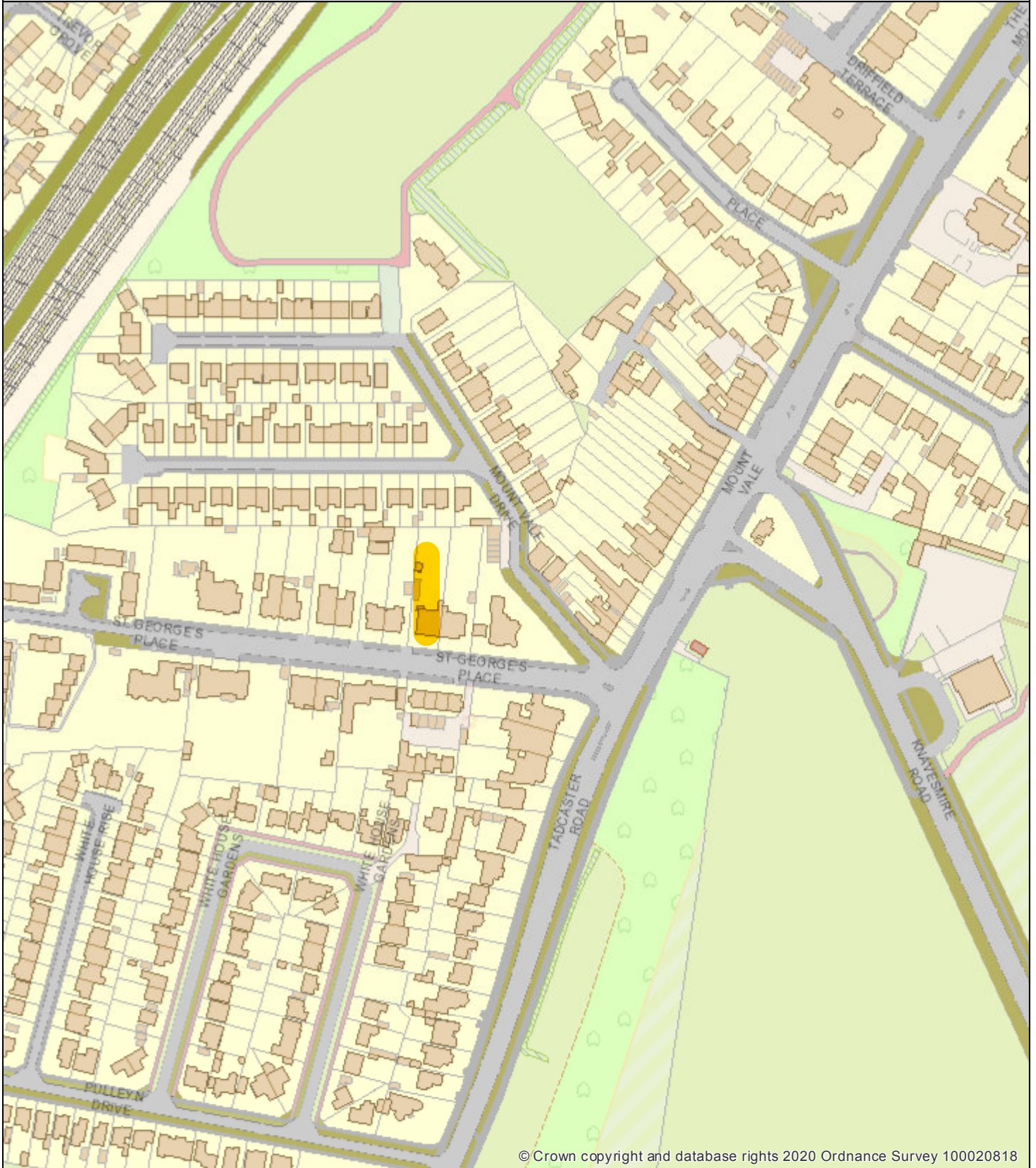
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.....  
.....  
.....

St Georges Place

A signed hard copy of this letter will follow by First Class Post



# Annex 7 - Map of area



**Date:** 04 Jan 2021  
**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.
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).

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**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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**Licensing Hearing 1 February 2021**  
**Additional documents submitted by Representors**

1. Further statement from Representor no. 1
2. Further statement from Representor no. 16

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**Licensing Application 6 St Georges Place to be held on 1 February 2021.**

Further information

1 Questioning Mr Cowton's fitness to hold a licence to serve alcohol.

On 26 December police were called to St George's bed and breakfast accommodation due to a break in. This was at least the third break in (previous ones being on 22 December 2020 and 23 December 2020). The suggestion was that those who had broken in had left evidence of substance abuse on the premises in the past and may still be in the building. Four police vans were involved and in addition a police dogs team was called.

Mr Cowton did not appear to be present.

I question whether a person who is unwilling or unable to be present on such an occasion. shows suitable commitment to controlling nuisance to be fit to hold a licence to serve alcohol.

2 Questioning the appropriateness of a full on and off premises licence for bed and breakfast accommodation.

I note that the application refers to "The St George Hotel" (Notice of Hearing) and "The George Hotel" (email about the hearing), both of which conjure a grander place than the fact. The current premises are labelled as below. They do not serve non-residents with bar or restaurant facilities and do not have the appropriate planning authority for that.

I suggest that this licence is not appropriate for the premises with their current allowed use.



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ST GEORGE'S HOTEL, 6 ST GEORGE'S PLACE, YORK

FURTHER STATEMENT.

- To avoid any possible confusion the subject premises should be referred to as St. George's Hotel, or St George's B&B which is consistent with all its advertising, web site and the title on the application form.
- Recent 'break-ins' at the premises on the 23<sup>rd</sup> and 26<sup>th</sup> December 2020 were attended by police with several vehicles. Arrests were made and individuals taken "back into custody". There was also evidence of drug use found. These events caused considerable consternation among residents. At no time did the applicant put in an appearance at the premises during or immediately after these events.

Since the applicant has been in control of the premises, and before the pandemic began, there have been numerous times when, during the day, guests apparently booked into the hotel have been unable to gain access to their accommodation because there was no one on the premises to receive them.

This casual attitude and lack of commitment and involvement falls far short of that which could be held reasonably appropriate for a licensee and is an indication of a lack of fitness to hold such a position.

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