

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Hook and Melly
Date: Monday, 12 June 2023
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 and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

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

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

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. Minutes

To approve and sign the minutes of the Licensing Hearing held on 22 December 2022.

6. The Determination of a Section 18(3) (a) Application by New Holgate Limited for a Premises Licence in respect of Holgate Bridge Hotel, 106 - 108 Holgate Road, York, YO24 4BB (CYC-072631)

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - 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**

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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 Representors 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;
- 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
24. The Chair will invite the Applicant 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
 - Local residents
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 Representors within 5 working days of the decision being made.

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

Declarations of Interest – guidance for Members

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

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

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

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

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	22 December 2022
Present	Councillors Cuthbertson, Melly and Norman

47. Chair

Resolved: That Cllr Norman be elected to chair the hearing.

48. Introductions

The Chair introduced the Sub-Committee Members, the Legal Adviser, the Democratic Services officer, the Licensing Manager Lesley Cooke, the Applicant's Solicitor Rebecca Ingram, the police Representor PC Kim Hollis, and the Licensing Authority Representor Helen Sefton. Also present as witnesses and / or to answer questions were Mark Burville and David Oxtoby of The Alchemist Ltd., Max Reeves of the Helmsley Group (the landlords of the premises), and PS Jackie Booth of North Yorkshire Police.

49. Declarations of Interest

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

50. Exclusion of Press and Public

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

51. Minutes

Resolved: That the minutes of the Licensing Hearing held on 17 November 2022 be approved as a correct record, to be signed by the Chair at a later date.

52. The Determination of a Section 18(3) Application by The Alchemist Bar & Restaurant Ltd for a Premises Licence in respect of The Alchemist, Nessgate, York YO1 9NF (CYC-071614)

Members considered an application by The Alchemist Bar & Restaurant Ltd. for a Premises Licence in respect of The Alchemist, Nessgate, York, YO1 9NF.

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

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance

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

1. The application form.
2. The papers before it.
3. The Licensing Manager's report and her comments at the Hearing.

The Licensing Manager outlined the report and the annexes. She noted that the premises, previously occupied by RBS and Thomas Cook, was located in the Red Zone of the Cumulative Impact Area (CIA), and confirmed that the consultation process had been carried out correctly. She drew attention to the representations received from North Yorkshire Police and the Licensing Authority, and the additional papers submitted by the Applicant as published in the Agenda Supplement.

Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to a question from the Sub-Committee, the Licensing Manager confirmed that the Red Zone was an area within the CIA containing the highest concentration of licensed premises.

4. The representations made by Rebecca Ingram, solicitor, on behalf of the Applicant.

Having introduced the representatives of The Alchemist and The Helmsley Group who were present at the hearing, Ms Ingram drew attention to the brand and style of The Alchemist as set out in the additional papers. She stated that the issues to be decided were quite narrow, as the Applicant had been able to work with the Responsible Authorities. A meeting with PC Hollis and the Licensing Manager before the application had made it clear that a comprehensive operating schedule would be required, and this had been provided.

Ms Ingram submitted that, based on the evidence, the two most appropriate options in this case were to grant the application either on the basis of the revised schedule (Exhibit DO2 in the Agenda Supplement) or with the addition of the further condition sought by the Police and the Licensing Authority requiring the operation to be predominantly food led. The condition in issue was whether the premises should operate as predominantly food led. This was not a condition that the Applicant could agree to because The Alchemist was a cocktail bar/restaurant and the term 'food led' was vague and imprecise, which was contrary to the principles in paragraph 1.16 of the Section 182 guidance. If compliance with the condition was based on the operation's food take exceeding its drinks take, then the Applicant could not comply. If based on its 'food plus drinks' take exceeding its drinks alone take, then it could. The Applicant intended to invest £1.8m in the premises and could not do so without absolute certainty. Food was a very significant element of the operation, and clear conditions had been offered to ensure this.

Ms Ingram stated that, for the reasons set out in the additional papers, the Applicant's operations were not associated with crime, anti-social behaviour or nuisance. The comprehensive operating schedule specified the times when food must be available. Paragraph 9:15 of the council's policy (Annex 4 to the report) allowed premises in the CIA that were predominantly food led to be considered more favourably. She argued that premises with a significant food element should also be treated more favourably. This, combined with the conditions offered to guarantee that the premises would be predominantly seated, with waiter/waitress service and prohibitions on drinks promotions and stag/hen parties, was sufficient to rebut the presumption that applications not be granted in the red zone of the CIA. Granting this application would not open the floodgates to other applications for premises that were not food led. The Applicant had an excellent management and training record across its estate and none of its premises were associated with anti-social behaviour, including those trading in CIAs such as in Cardiff, Leeds and Westminster. There were no representations from other parties and considerable weight should be given to this, in view of paragraph 9.11 of the council's policy.

Ms Ingram went on to say that the operating schedule complied with all recommendations in the policy as to how the licensing objectives should be upheld. There was a significant level of common ground and all the concerns of the Responsible Authorities had been dealt with except for the requirement to be 'food led' and concerns about the pavement and queuing outside the premises. Regarding the latter, the entrance to the premises was on the Nessgate frontage, where the pavement was wide and there were road markings; the entrance was also recessed, allowing for a short queue. The Alchemist tended not to have long queues forming. Smokers could also be accommodated and the situation would be carefully monitored by staff, including door security staff when present. Condition C7 on the revised schedule listed the relevant policies to be agreed with the responsible authorities, whose input would continue. Dispersal would be organic and gradual, as the premises would not be at full capacity at closing time, and therefore would not contribute to the cumulative impact. Alistair

Turnham, who had helped develop the Purple Flag standard, had described The Alchemist as the type of venue that cities should be looking to attract and this, it was submitted, included York. Did York want to say that no new premises could open in the city centre unless it was a restaurant? Ms Ingram concluded by saying that things were even more difficult now than they had been during the pandemic, and the fact that a well-run business wanted to invest in the city at this time was a relevant factor, as the merits of the application included the economic context. The Applicant wanted to invest in empty units in the city centre with a good business model but could not do so if a 'food led' condition was imposed, so imposing that condition would be tantamount to a refusal. All the circumstances of the application meant that granting it would uphold the licensing objectives and not contribute to the cumulative impact.

In response to questions from PC Hollis:

- Ms Ingram confirmed that there were no promotions on the Applicant's website offering alcohol at reduced prices.
- Mr Oxtoby stated that prices were all available on the website and were quite varied; food prices were in the mid to high range.
- Mr Oxtoby explained the arrangements regarding stag and hen groups: they were not encouraged, any bookings by such groups were not knowingly accepted, and if they did attend any paraphernalia would be removed from them at the point of entry and they would be monitored closely while on the premises. In York, the size of the venue would restrict the size of groups allowed, with the largest table being for 8 people.
- Ms Ingram confirmed that in the area hatched green on the plan (page 61 of the agenda papers) everyone must be seated, with waiter/waitress service only. In all other areas, seating and table service would be available but not enforced.

In response to questions from the Sub-Committee:

- Mr Oxtoby explained that there was capacity to take bookings of more than 8 people spread across several tables but the Alchemist tended not to do that at busy times, and in the York environment the

turnover of smaller tables should negate the need to accommodate larger parties. The area hatched green could potentially be booked for an event such as a corporate Christmas party, but that would be a rarity.

- Mr Burville stated that the kitchen capacity was 50 square metres, staffed by a team of 8 to 10, serving about 15 covers every 15 minutes during busy times. On a Saturday evening in York about 100-150 covers would be expected. All Alchemist kitchens were of the same size and could easily service the whole venue if required.
- Ms Ingram confirmed the position of the main entrance doors as the double doors on the east side, as shown on the plan.
- Mr Burville added that the door on the corner was the landlord's entrance; the other was for disabled access.
- Ms Ingram confirmed the proposal that there would be a minimum of 2 door staff at the main entrance on Friday, Saturday, the Sunday before a Bank Holiday from 9pm until close and on any race day from 7pm until close.
- Ms Ingram stated that the key factors of the Alchemist style of operation that would ensure it would not contribute to negative community impact were the predominant seating and the significant food element; should the licence be transferred, the new operator would have to apply to remove those specific conditions.
- Ms Ingram agreed that the conditions could be more tightly worded, along the lines of *'the premises shall operate as a cocktail bar which always has a significant food element and is always predominantly seated.'*

5. The representations made by PC Kim Hollis on behalf of North Yorkshire Police, in writing and at the hearing.

PC Hollis referred to her statement at page 73 of the agenda papers, stating that the application was for a cocktail bar with a food offering in the CIA Red Zone. This was the area identified by the council in its Statement of Licensing Policy as being under the most stress from crime and disorder and public nuisance. Section 9.13 of

the current policy, which had come into effect in March 2022, stated that applications in the CIA Red Zone should be refused where relevant representations had been received unless the Applicant could show how their proposal would not add to the cumulative impact of licensed premises in the area. She also invited the panel to consider paragraphs 9.11 and 9.12 of the policy when considering the application. She noted that the premises had not previously operated as a licensed venue and was situated on Nessgate, a busy road in the centre of York.

PC Hollis went on to say that the Applicant had pre-consulted with responsible authorities and had offered an operating schedule with a number of conditions, which were welcomed by the police, as were the further changes proposed in the additional papers. However, these did not state that the premises would be food led, and the times applied for were consistent with a late-night venue. There was no offer for alcohol to be ancillary to food. Paragraph 9.15 of the policy said that applications may be considered more favourably if the premises were 'predominantly food led', with suggested conditions. The operating schedule, although thorough, did not cover all the points required and the police still proposed that the conditions be amended to say that the premises should be predominantly food led. There were still concerns about the hours of activities, especially during weekdays, given the location of the venue on a very busy road with 2 pedestrian crossings and traffic lights. Management of the outside area, which already experienced congestion, would be key and the operators would need to implement a robust policy to ensure that queues and smokers were not a public safety issue. The police had not yet seen details of the dispersal policy, so this remained a concern.

In conclusion, PC Hollis stated that the police still believed that granting the licence would be likely to undermine the licensing objectives and may add to the cumulative impact. It was only in the green hatched area that waiter / waitress service and no vertical drinking was proposed. With no condition for the service of alcohol to be ancillary to a meal or for the operation to be predominantly food led, the schedule still left room for the premises to have a wet led style of operation, certainly at weekends and busy times.

In response to a question from Ms Ingram, PC Hollis confirmed that she would be happy to engage with the Applicant to finalise the details of their dispersal and queuing policies should the application be granted.

In response to questions from the Sub-Committee, PC Hollis stated that:

- She couldn't quantify the effects of the premises on the CIA as it wasn't yet licensed, but there was a much higher level of drink-fuelled anti-social behaviour in that area than in others, and other venues had to very robustly manage people going into the road when standing outside. Even during the day, the pavement and crossing were very busy.
- Key times for anti-social behaviour and incidents were in the late evenings / early mornings and on Saturdays.
- It was difficult to say whether there was a queuing or dispersal policy that would satisfy the police; the police would never write or dictate such a policy, as the operator knew their premises and customers best and their management would need to take charge in assessing the policy dynamically. The police would offer advice rather than agree or disagree with the policy, insisting that it was robust and had provisions to adapt to the situation. If the premises were predominantly food led there would be fewer dispersal and queuing problems and the police would have fewer concerns about the policy. If unhappy with the policy, they would let the operator know that it was not acceptable. She confirmed that the condition in the schedule regarding agreement of the policy was workable.

6. The representations made by Helen Sefton, Senior Licensing Officer, on behalf of the Licensing Authority, in writing and at the hearing.

Ms Sefton stated that many of her points had already been covered by PC Hollis. She again highlighted that the premises sat within one of the red zones of the CIA, which had been identified through information provided by the police and the council's own public protection team. Evidence had shown that the concentration of licensed

premises in these areas adversely affected residents, visitors and other businesses, and the promotion of the licensing objectives. She re-iterated the council's policy in relation to applications in the red zones.

Ms Sefton expressed full support for the representations of the police and welcomed the conditions proposed by the Applicant and the amendments made the previous week. However, she still shared the police concerns about the location of the premises and the risk posed by what was sure to be a popular new bar and restaurant to a busy and narrow junction and that it should be predominantly food led. She asked that the Sub-Committee consider the aspects raised regarding the activities outside the premises if they decided to grant the application.

The Representors and the Applicant were each then given the opportunity to sum up.

PC Hollis summed up, stating that the concerns of the police remained and asking the Sub-Committee to consider whether the Applicant had truly satisfied the criteria in the council's Statement of Licensing Policy. She noted that, if there were any concerns about the enforceability of the 'food led' requirement, the conditions to demonstrate that a premises was food led were set out in the policy.

Ms Sefton summed up, stating that the Licensing Authority supported the representations of the police, which were in line with the council's policy, and shared the same views and concerns.

Ms Ingram summed up for the Applicant, stating that the only point of contention was whether or not the premises would be 'food led'. Paragraph 9.15 of the council's policy defined the requirements for this, and the application was not far off the policy— substantial food would be available up to one hour before the end of hours for alcohol service; there would be no vertical drinking in part of the premises; a set number of table covers would be provided, with table service only in part of the premises; and there would be no drinks promotions. As the policy stated, the Sub-Committee should consider the merits of each application

individually. Here, the merits included the substantial food offer plus the predominantly seated nature, which meant it would not be associated with anti-social behaviour because of the type of premises it was and the demographic it attracted. This was ensured by the comprehensive operating schedule, the track record and credentials of the Applicant in delivering this style of operation, including in CIAs, and their experience in robustly managing external areas, for example in similar premises in Nottingham and Westminster. Further merits included the lack of representations from local residents and businesses, the significant compliance with the policy, the amount of common ground with responsible authorities, and the wider context. She submitted that granting the application would achieve the aim of the policy to encourage a variety and mix of high-quality licensed premises.

The Sub-Committee sought clarification on the current status of the CIA. PC Hollis confirmed that there had been some changes during the pandemic and the policy had been recently updated.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

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

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

Resolved: That Option 2 be approved and the licence be granted for the following activities with modified / additional conditions, as set out below:

Activity	Timings
Recorded music - indoors	09:00 to 00:00 Sunday to Thursday 09:00 to 01:00 Friday & Saturday
Late night refreshment – indoors	23:00 to 00:30 Sunday to Thursday 23:00 to 01:30 Friday & Saturday
Supply of alcohol - on and off the premises	09:00 to 00:00 Sunday to Thursday 09:00 to 01:00 Friday & Saturday
Opening hours	09:00 to 00:30 Sunday to Thursday 09:00 to 01:30 Friday & Saturday
Non-standard timings	From the start time on New Year’s Eve to the terminal hour for New Year’s Day.

The Operating Schedule conditions numbered A 1 to 26, B 1 to 12, C 1 to 12 and D 1 to 5 contained in pages 11 to 15 of the Agenda Supplement published on 19 December 2022 shall be added to the licence SUBJECT TO the following modifications:

(a) Condition A1 is deleted.

(b) Condition A3 is deleted and is replaced with the following condition:

“There shall be no vertical drinking of alcohol on the premises. The supply of alcohol shall be by table service only. Alcohol must not be sold, supplied, or consumed on the premises otherwise than to seated persons who are

taking substantial table meals served and consumed at the table and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition at any one time up to 8 customers are permitted to be served alcohol for consumption whilst seated at the bar if they are waiting for their table to become available.”

- (c) Condition A4 is deleted and is replaced with the following condition:

“There shall be a minimum of 52 covers in the area marked green on the plan and a minimum of 60 covers provided for customer use throughout the rest of the premises at all times the premises is open and operating for business”

- (d) Condition A5 is deleted and is replaced with the following condition:

“The loose furniture layout as shown on the plan attached to the premises licence shall not be materially departed from without prior approval from the Licensing Authority.”

- (e) Condition A6 is deleted.

- (f) Condition A7 is deleted.

- (g) Condition A23 is deleted and is replaced with the following condition:

“There shall be no promotional sale of alcohol unless it is part of a food promotion.”

- (h) Condition D5 is deleted.

The licence is also subject to the mandatory conditions applicable to licensed premises.

- Reasons: (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.
- (ii) The Council’s special policy relating to cumulative impact creates a rebuttable presumption

that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that the application will not add to the cumulative impact. The premises is within the red zone of the Cumulative Impact Area (CIA), which has the highest level of occurrences in relation to crime and disorder issues due to the concentration of the style of premises operating in the area, including drink led premises.

(iii) The Sub-Committee noted that the saturation of licensed premises in the CIA can attract high numbers of customers into the CIA who contribute to the overall cumulative impact in the surrounding area, beyond the control of an individual licence holder. The premises being in the CIA does not act as an absolute prohibition on granting new licences within that area. Each application must be considered on its own merit and it is possible for an applicant to rebut the above presumption if they can demonstrate that their application for a premises licence would not add to the cumulative impact already being experienced in the CIA. The Council's policy states that within the CIA predominantly food led premises including with alcohol supplied ancillary to a meal, may be considered more favourably. Representations had been received from North Yorkshire Police and the Licensing Authority that the licensing objectives of prevention of crime and disorder and prevention of public nuisance would be undermined by the grant of the licence if the premises is not going to be predominantly food led.

(iv) The Sub-Committee considered that the onus lay upon the Applicant (to the civil standard) to evidence that the operation of the premises, if licensed, would not add to the cumulative effect of having more licensed premises in an area which is already saturated with licensed premises, with regard to the licensing objectives.

(v) The Sub-Committee noted in particular the concern of the Police that granting the application for a premises that is not going to be predominantly food led in this location would add to cumulative effect of having more licensed premises in the CIA. The Sub-Committee considered that the Police concern carried great weight in accordance with paragraph 9.12 of the statutory guidance. The Sub-Committee noted that the Licensing Authority supported the Police objection.

(vi) The Sub-Committee was concerned that any grant of an application in the red zone requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of the availability of alcohol in an area that already experiences a high volume of anti-social and criminal behaviour and public nuisance, these issues being factors behind the creation of the CIA in the first place.

(vii) The sub-committee considered the condition offered by the applicant to mitigate by ensuring the premises would be run in line with the style of operation of The Alchemist. It thought this condition was unenforceable, unreasonable, and difficult to understand what it meant in practice, and could not prevent the premises being run under an entirely different set of standards, particularly as the applicant's solicitor explained that the style of the Alchemist is a cocktail bar with seating and a food offer. Therefore the sub-committee felt this condition could not mitigate the application cumulatively impacting public safety and crime and disorder. The sub-committee decided that, as the condition around operating under the style of The Alchemist was unenforceable, unreasonable, and difficult to understand, it should be removed from the license granted.

(viii) The Applicant sought to demonstrate that an operation in the style of the Alchemist brand should enable an exception to the policy to be applied. However, the Sub-committee shared the view of the Responsible Authorities that most of the premises

could operate as a wet style of operation (albeit a food offer would be available during most of the trading hours) with no restriction on vertical drinking and it considered there was nothing unique about the operating schedule that warranted a departure from the Council's CIA policy. Having considered all of the evidence, the Sub-Committee was satisfied that if the premises is not required to be predominantly food led, this would be likely to add to the existing problems in the area and would fall short of what would be required to rebut the presumption of refusal created by the CIA. Therefore the Sub-Committee decided to grant a premises licence subject to a predominantly food -led condition (and to make consequential amendments to other volunteered conditions), which it considered to be appropriate and proportionate for a premises located in an area which was already saturated with licensed premises.

Cllr G Norman, Chair

[The meeting started at 10.00 am and finished at 1.03 pm].

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Licensing Act 2003 Sub Committee

Date: 12 June 2023

Report from the Director – Environment, Transport & Planning

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

Summary

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

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

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

Background

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

Promotion of Licensing Objectives

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

11. General

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

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

12. The Prevention of Crime and Disorder

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

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

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

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

13. Public Safety

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

14. The Prevention of Public Nuisance

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

15. The Protection of Children from Harm

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

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

Special Policy Consideration

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

Consultation

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

Summary of Representations made by Responsible Authorities

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

Summary of Representations made by Other Parties

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

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

Options

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

Analysis

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

Council Plan

37. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
38. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

39.

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

Risk Management

40. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.

41. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

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

Contact Details

Author:

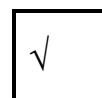
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report
Approved**



**Date 18
May 2023**

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Holgate



For further information please contact the author of the report

Background Papers:

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

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York
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

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

- Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

New Holgate Limited

Details

Registered number (where applicable)

08322647

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start? / /

dd mm yyyy

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

dd mm yyyy

Provide a general description of the premises

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

We request an on-premises licence for a new 12 room hotel aiming for the exclusive design led boutique hotel market. The hotel is a design led concept attracting a discrete clientele.

We have 12 bedrooms - likely to accommodate a maximum of 22 guests.

In addition we have a 18 cover dining room, 12 cover basement bar and 36 cover garden space.

In reality we seek to service only hotel guests and the local community.

Continued from previous page...

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

Section 6 of 21**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

 Yes

 No
Section 7 of 21**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

 Yes

 No
Section 8 of 21**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

 Yes

 No
Section 9 of 21**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

 Yes

 No
Section 10 of 21**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

 Yes

 No
Section 11 of 21**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

 Yes

 No
Section 12 of 21**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We propose to provide late night refreshments to guests and bona-fide guests only.

State any seasonal variations

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

N/A

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

N/A

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes
 No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start End
 Start End

THURSDAY

Start End
 Start End

FRIDAY

Start End
 Start End

SATURDAY

Start End
 Start End

SUNDAY

Start End
 Start End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

N/A

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

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

1. We propose that the full 24 hour provision of alcohol is to guests and bona-fide guests only.
2. We propose that sales of alcohol to members of the public be limited to 08:00 - 24:00. The sale of alcohol to members of the public, between 08:00 – 10:00 hours, daily, will be ancillary to food.
3. All off sales of alcohol shall be in sealed containers.
4. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area, as per the premises plan, onto the pavement or highway.
5. We propose to cease service of alcohol in the garden at 22:00 daily.

Continued from previous page...

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth - -
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

N/A

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

Continued from previous page...

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

N/A

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

The licensee will ensure that during all licensable times, there are sufficient and competent staff on duty in order to fulfill the terms & conditions of our license and promote all four licensing objectives. All staff will be regularly trained in relation to their responsibilities regarding the sale of alcohol. Training & refresher training records will be held and maintained on the premises. Please see below the measures we intend to put in place to ensure we are fulfilling our licensing objectives at all times:

b) The prevention of crime and disorder

1. We will install comprehensive CCTV at the premises which will cover all entrance and exits both inside and outside. We will also have CCTV covering the car park and public areas. CCTV will be operated and maintained at the premises. Any incidents of a criminal nature will be reported to the police.
2. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises, it will include all areas (including outside areas), where the public have access to consume alcohol.
3. Copies of recordings will display the correct date and time.
4. The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.
5. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
6. 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.
7. The premises shall operate the Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
8. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 - a. operation of the CCTV system (including the downloading of evidence);
 - b. retail sale of alcohol;
 - c. age verification policy;
 - d. conditions attached to the Premises Licence;
 - e. permitted licensable activities;
 - f. the licensing objectives; and
 - g. opening times for the venue.

with such records being kept for a minimum of one year. For the avoidance of doubt, the one year period relates to each

Continued from previous page...

respective entry in the log book and runs from the date of that particular entry.

c) Public safety

Fire safety procedures are in place such as fire extinguishers, fire blankets, internal illuminated fire exit signs, emergency lighting and smoke detectors. Fire exits shall be kept clear at all times. Fire systems and appliances will be inspected annually. All of our staff will be fire trained & aware of what to do in case of a fire. Training & refresher training records will be held and maintained on the premises.

Our outside areas, front & back entrances will be well lit with plenty of litter bins and clear walkways.

We will maintain good relationships with our local taxi & bus firms in order to ensure our customers always have a safe method of travel home, displaying a range of local transport information on the premises.

We will participate in anti-violence & abuse schemes such as "ask for Angela".

We will display notices regarding the use of illegal substances or weapons, stating that offenses shall be reported to the police.

d) The prevention of public nuisance

Notices will be clearly displayed in the premises reminding guests & customers to have regard for our neighbours and leave the premises quietly. All customers & guests will be reminded of said notice when they leave.

We will ensure that all doors and windows in the premises are closed in the later evenings to minimise sound traveling and disturbance to our neighbours.

As stated in section C, we will maintain good relationships with local transport firms to ensure our guests leave the property safely & quietly from the front, main road exits, again to minimise vehicular movements around the rear of the building.

We will employ SIA regulated door staff if we are to hold any events to ensure any issues are dealt with quickly and professionally, they will also remind guests to leave the premises quietly.

In the case of any events at the premises, we will monitor our time keeping carefully to ensure we are compliant with our premises license.

We will carefully manage the arrangements for the collection and disposal of waste and empty bottles.

e) The protection of children from harm

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

Notices will be displayed in the premises reminding customers that we will request photographic ID if they appear to be under 25. We will keep a register of refused sales on the premises at all times.

All children will be required to be accompanied by an adult and we will have a clear notice displayed explaining the rules regarding this.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

- Band A - No RV to £4300 £100.00
- Band B - £4301 to £33000 £190.00
- Band C - £33001 to £8700 £315.00
- Band D - £87001 to £12500 £450.00*
- Band E - £125001 and over £635.00*

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

- Band D - £87001 to £12500 £900.00
- Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

- Capacity 5000-9999 £1,000.00
- Capacity 10000 -14999 £2,000.00
- Capacity 15000-19999 £4,000.00
- Capacity 20000-29999 £8,000.00
- Capacity 30000-39000 £16,000.00
- Capacity 40000-49999 £24,000.00
- Capacity 50000-59999 £32,000.00
- Capacity 60000-69999 £40,000.00
- Capacity 70000-79999 £48,000.00
- Capacity 80000-89999 £56,000.00
- Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

[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 my 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).

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 proof of entitlement to work, if appropriate (please see note 15).

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Add another signatory

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






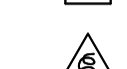




1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/york/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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

FIRE SAFETY KEY

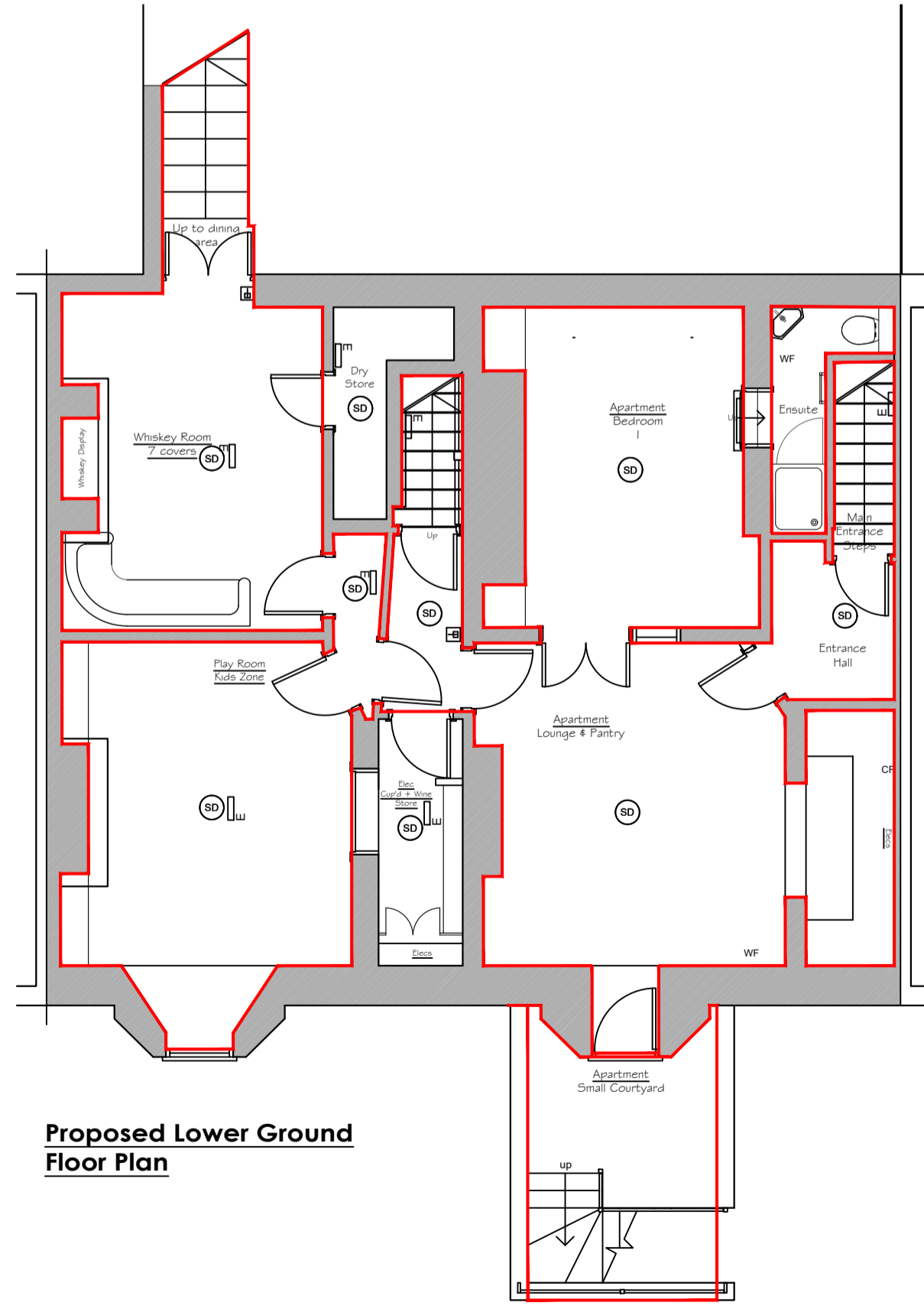
-  Self contained maintained directional emergency exit sign illuminated
-  Smoke detector
-  Heat detector
-  Maintained emergency light fitting
-  Fire Alarm Call Point
-  Fire Blanket in Container
-  Carbon Dioxide Fire Extinguisher
-  9 Litre Water Extinguisher
-  Dry Powder Extinguisher
-  Foam Fire Extinguisher

ALL SYMBOLS ARE SHOWN TO INDICATE THAT AREA / ROOM SHOULD BE PROVIDED WITH THE RELEVANT FACILITY AND DO NOT NECESSARILY REPRESENT ACTUAL POSITIONS.

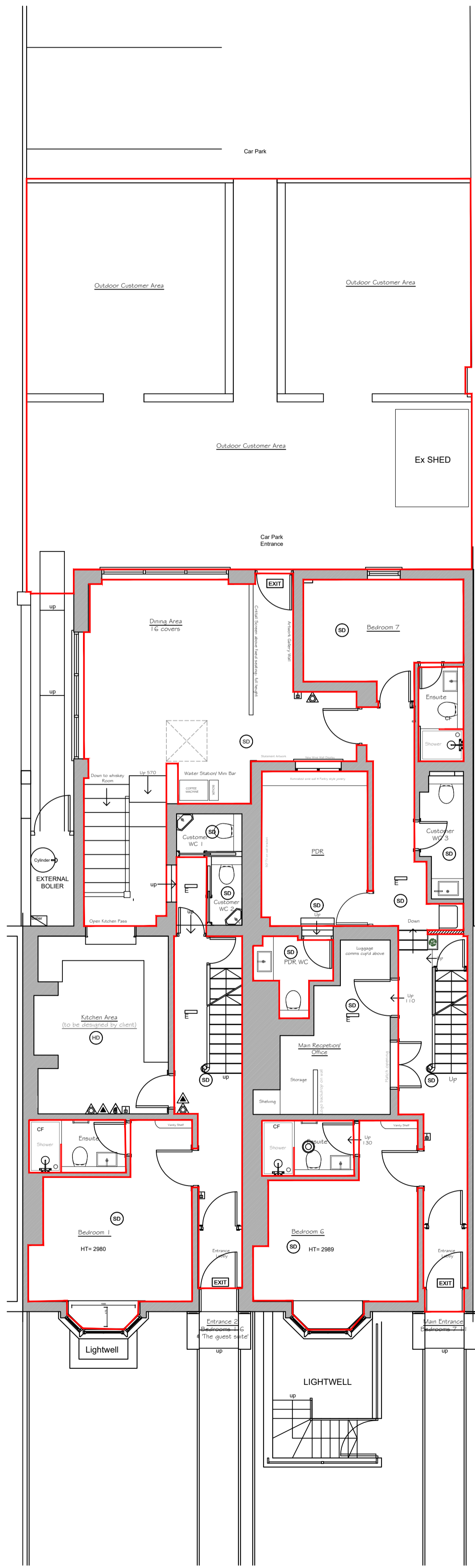
THE OPERATORS RESERVE THE RIGHT TO AMEND THE LOCATION OF FIRE SAFETY EQUIPMENT SHOWN ON PLAN. EQUIPMENT MAY BE MOVED WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER FIRE RISK ASSESSMENTS.

 **AREA FOR LICENSABLE ACTIVITIES**

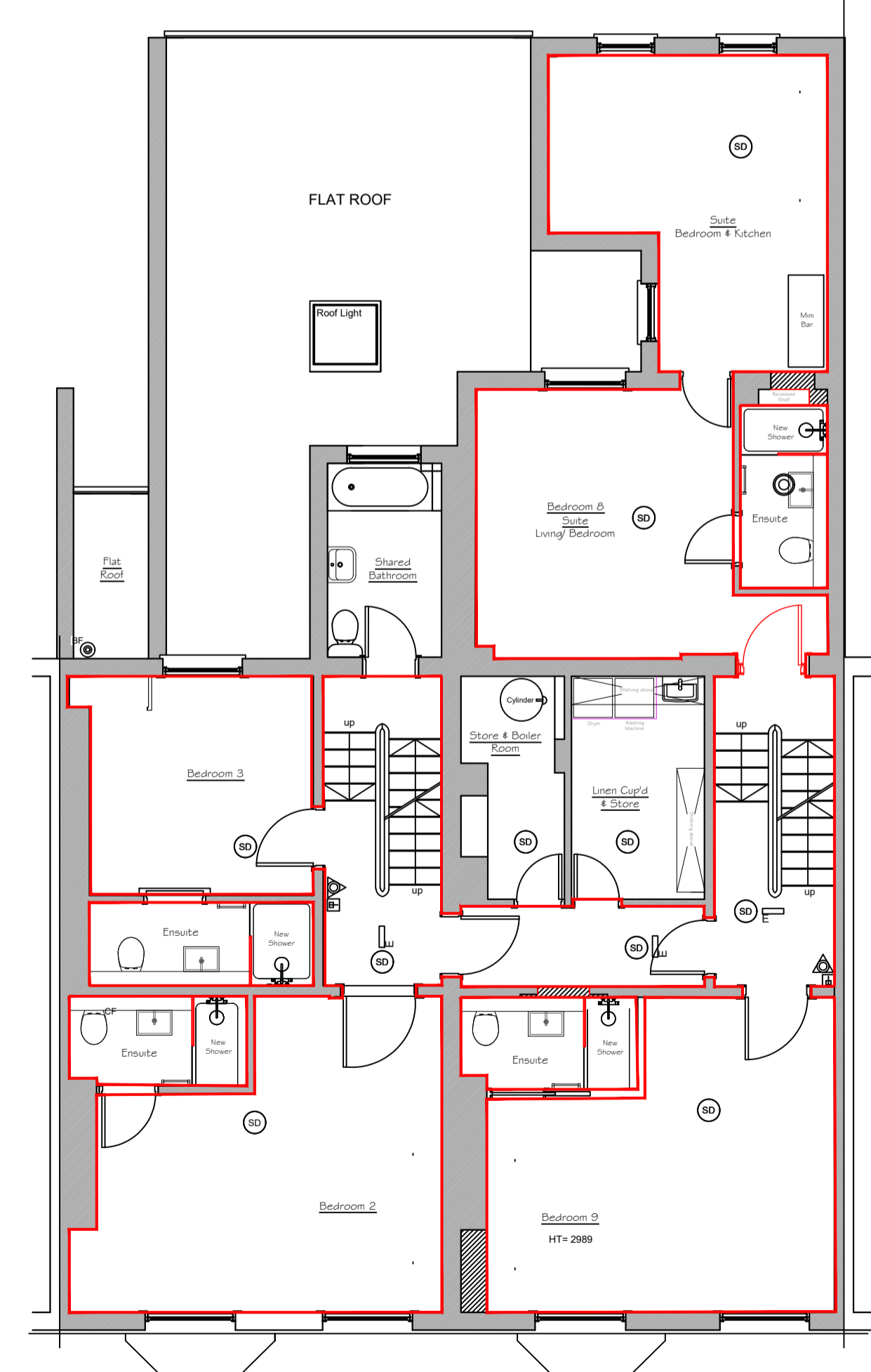
Items shown on this plan which are not required by the Plans Regulations are for illustrative purposes only, and do not form part of the licence. These items may be moved at the discretion of the Licence Holder. The current location of the fire safety equipment and other safety equipment is as shown. These items may be moved from time to time with agreement of the Fire Officer or after fire risk assessment.



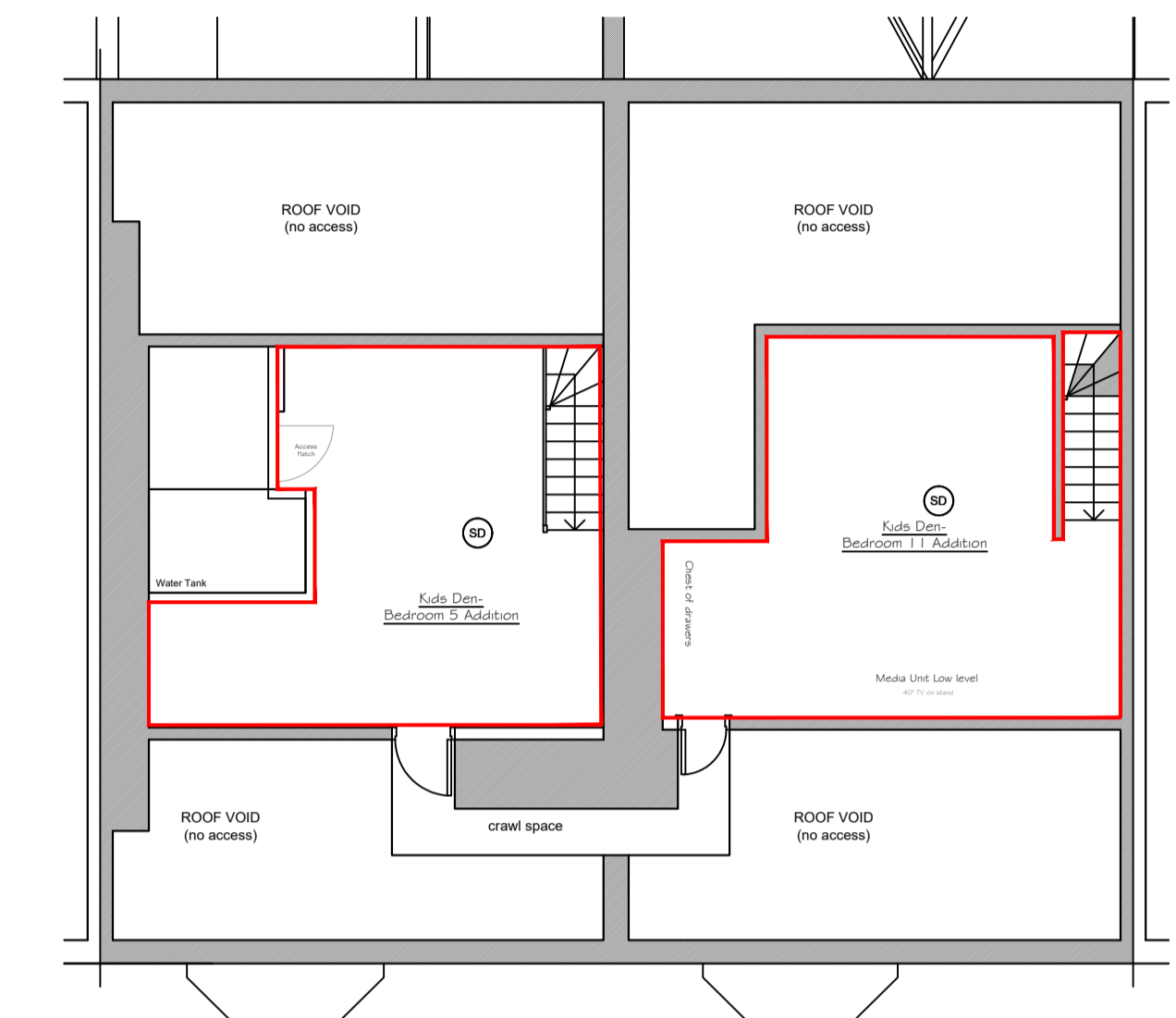
Proposed Lower Ground Floor Plan



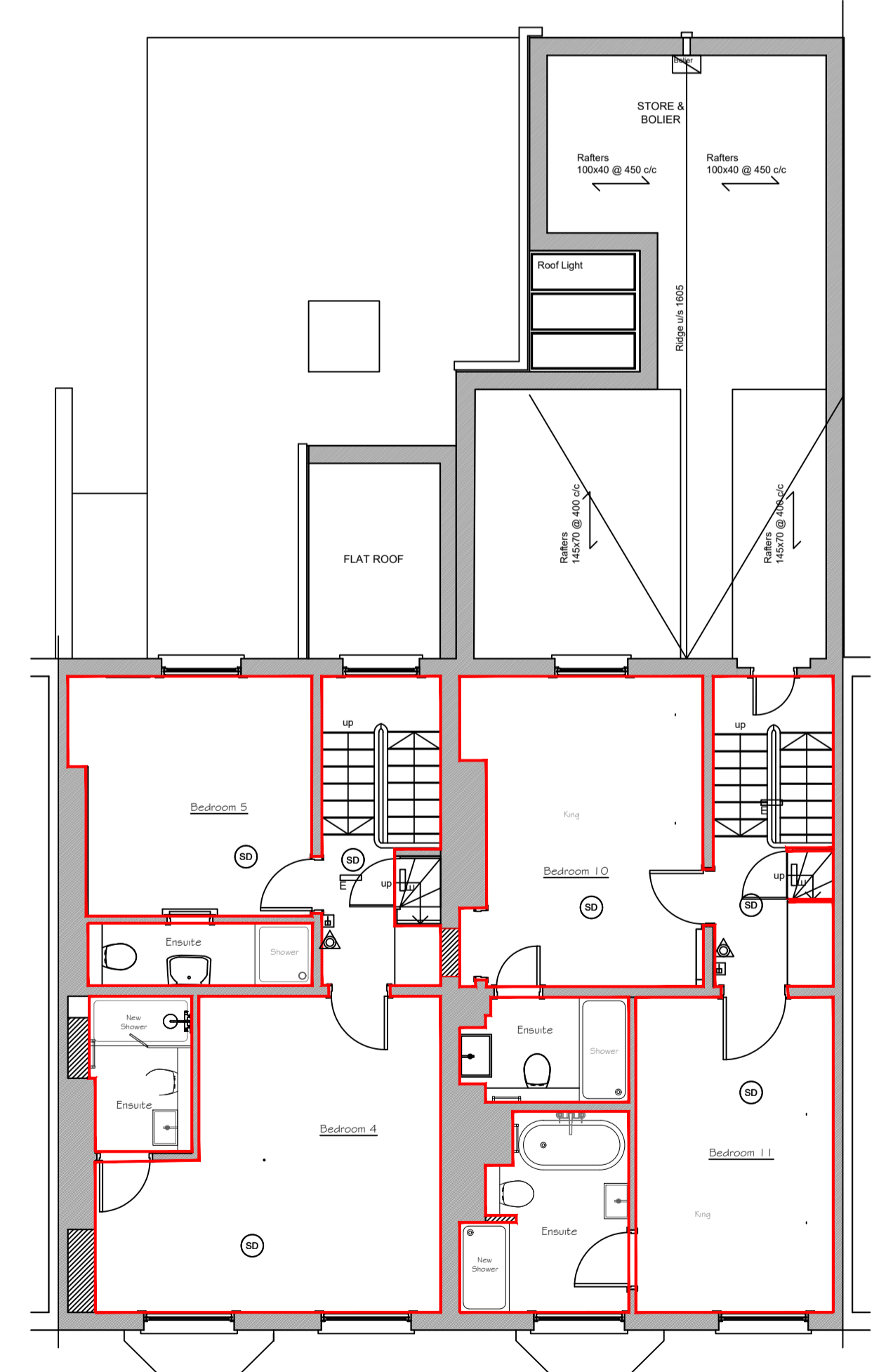
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Attic/Third Floor Plan



Proposed Second Floor Plan



JOB TITLE
HOLGATE BRIDGE HOTEL
 HOLGATE ROAD
 YORK
 YO24 4BB

DRAWING TITLE
LICENSING PLAN

SCALE 1: 75 @ A1	DRAWING No
DATE DEC 2022	AT 22/ 010

DO NOT SCALE. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR. ALL MEASUREMENTS ARE IN MM UNLESS OTHERWISE SPECIFIED. WRITTEN DIMENSIONS TO BE USED IN PREFERENCE TO SCALED DIMENSIONS & ALL DISCREPANCIES TO BE REPORTED TO STUDIO TWO. THE DESIGN SHOWN ON THIS DRAWING IS THE PROPERTY OF STUDIO TWO AND IS NOT TO BE USED OR ITS CONTENTS COPIED, COMMUNICATED OR DISCLOSED, IN WHOLE OR IN PART.

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

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

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

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

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

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

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

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

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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Annex 3

Condition agreed with Public Protection

Public Protection objected to the premises licence application for 106 – 108 Holgate Road, York on the grounds of public nuisance. I have, however, mediated with the applicant and so long as the following condition is attached our representation is withdrawn:

Condition

The use of the outside area will be restricted to between 08:00 hours and 22:00 hours every day except for the provision of smoking.

Michael Golightly

Technical Officer

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

Document is Restricted

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Sefton, Helen

From:
Sent: 16 April 2023 07:10
To: licensing@york.gov.uk
Subject: Revised licensing application for the Holgate Bridge Hotel

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Helen

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 Ms Sefton

As residents of the St Paul's area and specifically of St Paul's Square, we wish to object to this licensing application. This is a quiet residential area and we are concerned that the granting of an alcohol licence on the terms applied for could seriously detract from its present quiet character.

It is believed that the applicant may be considering acquiring adjacent properties in the Holgate Road. If this is the case and such properties are also to be covered by the provisions of this licensing application, the impact of the proposal would be greatly exacerbated to the detriment of the quiet residential character of the Square.

Whilst appreciating that the grounds of objection to a licensing application are limited to four specific grounds, we consider that to proceed with a licensing application before obtaining planning and listed building consents for physical alterations or extensions to the Holgate Bridge Hotel is 'putting the cart before the horse'. Should this licensing application be granted, this could unduly influence and prejudice the outcomes of subsequent applications under planning and listed building legislation. My knowledge of the Town and Country Planning Act and the Use Classes Order is slightly rusty, but it may be that the conversion of a simple guesthouse to a boutique hotel would constitute such an intensification of use that an application for change of use might be required.

Whilst realising the traffic and parking are not specific licensing considerations (hence our feeling that this application is premature), road safety is public safety and any increase in traffic to and from Watson Terrace would make exiting from Watson Street to Holgate Road even more hazardous than it is already. Similarly, it would be difficult under the new digital parking system for residents to assist the enforcement of parking restrictions by identifying 'interlopers' without the right to park in the R.60 Respark area. The presence of the St Paul's Nursery and Primary Schools in the area is likely to exacerbate congestion at times when parents drop off and pick up their children.

The St Paul's area is already served by three public houses, viz. The Volunteer Arms in Watson Street, The Fox Inn at the Holgate junction and The Crystal Palace on Holgate Road. We accept that a 'boutique hotel' should be able to serve alcohol to residents and diners but, to ensure fair competition, feel that the Holgate Bridge Hotel should adhere to the same closing time as the nearby public houses and cease serving alcohol at 11.00 pm.

We see no justification for allowing off-sales, whether or not in sealed containers. This has the potential to give rise to littering, crime and disorder, and lead to a public nuisance in a quiet residential area. It could also be damaging to the interests of children in the area if noise emanating from the premises interfered with their sleep and educational potential.

For these reasons we urge that this licensing application be refused in the terms proposed.

Yours sincerely

,

St Paul's Square

Sent from my iPad

Dear Helen

I would like to raise the following objections to the licensing application for Holgate Bridge Ltd

Noise, disturbance, and pollution from the premises would destroy.

- My enjoyment of my rear courtyard and communal garden
- My and my guest's privacy as it is possible to see directly into my rear bedroom and main bathroom from customers entering and leaving the rear of Holgate Bridge.
- My peace of mind, as the making of a complaint is highly distressing and does not instantly resolve situations or cause an end to disturbances.

Having even 6 people and up to 50+ people (events) in the garden of the premises would have a huge impact in terms of noise.

- this would affect me as I work from home.
- the use of the rear bedroom and indeed all rooms to the rear of my property would be compromised due to the increased noise from the intended beer garden. This would cause me stress.

The premises are in a conservation area and the noise of even a few people in the unenclosed garden of the premises is bound to carry as there is no provision for any form of barrier to sound.

- I am very concerned about any playing of music by the premises or by diners/drinkers on their phones, or the taking of phone calls which is invariably more intrusive than conversation. See above we

(Public Safety)

- the applicant has applied for activities that he apparently did not intend to pursue, so it is not clear what he plans to do.
- I am concerned about the hotel appealing to race goers, arriving back from the races in the inebriated and dishevelled state that we are accustomed to seeing around York (ditto protection of children from harm, bad language, inappropriate behaviour)
- I am concerned about users of the premises attempting to access our communal garden and causing distress and damage.

(Crime)

- I am concerned about users of the premises attempting to access our property, cars and communal garden and causing distress and damage.
- I am concerned about the increased comings and goings to the premises attracting other members of the public into the area with the intent to cause damage and commit crime.

- I am concerned about the risk of damage to my car by customers driving around the Square in an effort to find their way out of the area by car

(Name added from email).

Sefton, Helen

From:
Sent: 14 May 2023 01:01
To: licensing@york.gov.uk
Subject: Alcohol licensing application for the Holgate Bridge Hotel
Attachments: A picture containing outdoor, building, text, window Description automatically generated.jpeg
Categories: Helen

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.

Alcohol licensing application for the Holgate Bridge Hotel

Dear Ms Sefton,

We wish to object to the alcohol licensing application for the Holgate Bridge Hotel on the grounds of:

- (1) Prevention of Public Nuisance - The opening of a nearby restaurant and bar from 8am to midnight to everybody - combined with drinking, open air events, smoking, litter and traffic - will compromise our ability to continue to work effectively from home during the week and will almost certainly keep us awake at night.
- (2) Protection of Children from Harm - The opening of a nearby restaurant and bar from 8am to midnight to everybody - combined with drinking, smoking, litter and traffic - will risk endangering young children and their parents picking up and dropping off at the St Paul's Primary School entrance adjacent to the carpark of the Holgate Bridge Hotel (see below photograph).

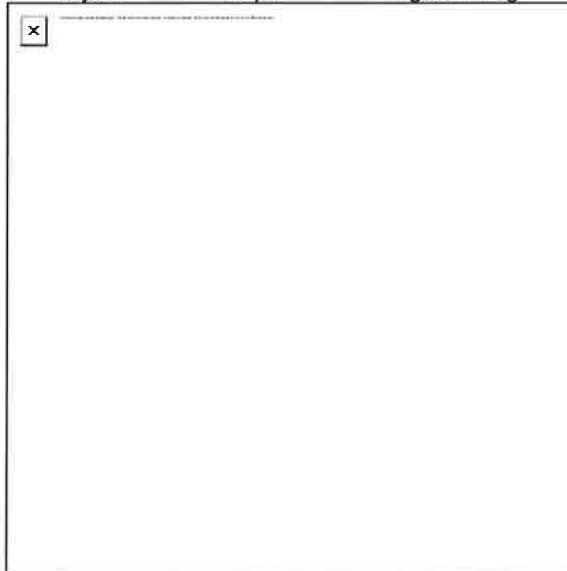


Photo not downloaded as incompatible.

- (3) Prevention of Crime and Disorder -The applicant seems to have had 3 separate alcohol licensing applications, all with differing details and closing dates for comment. We are quite confused of their intent and sceptical of their ability to follow basic instructions, leaving us with little confidence that they can be trusted to comply with strict licensing conditions to mitigate against crime and disorder in our quiet residential neighbourhood.

We strongly suggest that any sale of alcohol from the Holgate Bridge Hotel: (i) be for hotel residents only; (ii) be consumed indoors only; and (iii) that all off-sales be prohibited.

Yours sincerely

St Paul's Square

Sefton, Helen

From: Helen Sefton
Sent: 15 May 2023 16:38
To: licensing@york.gov.uk
Subject: Licensing application for Holgate Bridge Hotel, 106-108 Holgate Road, YO24 4BD
Categories: Helen

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.

Following the submission of a revised application for the grant of a new premises licence submitted on 28/03/2023, I am writing to oppose the granting of a licence for alcohol sales as set out in the application.

I object to the requested 'full 24 hour provision to guests', the 'sales of alcohol to (presumably non-resident) members of the public between 08:00-24:00', and the provision of 'Late Light (Night?) Refreshment between 23:00 and 05:00'.

I have no objection to the provision of alcohol to residents of the Hotel and their visitors within the building between the hours of 17.00 and 22.00. I would have no objection to sales of alcohol such as 'bucks fizz' only and traditionally with food between 8:00 and 10:00.

I object to the off-sales / supply of alcohol at any time to members of the public who are not staying at the hotel.

I live within 100 metres of the rear of the Hotel, and 200 metres from the front of the Hotel in what is a very quiet residential area. There is one public house in the immediate area - the Volunteer Arms in Watson Street, which provides a popular and quiet licensed premises used by the local community and visitors. Its emphasis on a range of real ale and interesting beers would be likely to appeal to residents of the Hotel, and thus increase the use of the local long established business of the Volunteer Arms. Other local public houses such as The Fox and the Crystal Palace, both in Holgate Road, provide alternative sources of alcoholic and non-alcoholic drinks. All three public houses mentioned keep to regular pub opening hours.

The entry and exit to the back garden of the Holgate Bridge Hotel is onto Watson Terrace. That same side of Watson Terrace includes a small number of houses / flats, with most of that side of Watson Terrace being quiet open spaces - mainly the ends of the gardens of houses and hotels in Holgate Road.

Most of the other side of Watson Terrace is made up of St Paul's Square and its Gardens, with houses in St Paul's Square surrounding the other 3 sides of the Square Gardens. The St Paul's Square Owning Committee and Residents' Association have agreed guidelines for the use of the Square Gardens, which include the City of York Council's 'Recommendations for parties to prevent a nuisance'. These guidelines are intended to ensure that the Square Gardens are used by residents in a way that does not disturb the quiet residential area in which the Gardens are situated.

In addition, there are 2 schools whose entrances are within 100 metres of the back entrance to the open space at the rear of the Hotel. Parents bring, deliver, and collect their children at the schools from early morning until early evening, which already causes some traffic problems. Some children make their own way without adults to and from St Paul's Primary School, whose main entrance is opposite the entrance to the Hotel's car park and open area at the rear of the Hotel. So there are possible worrying road and other safety concerns for children relating to the parts of the application to which I have objected.

I have noted from the publicity given to the redevelopment of the Holgate Bridge Hotel and the information included in the Licence Application that the intention is that the Hotel is to provide "a 12 room hotel aiming for the

exclusive design led boutique hotel market" "attracting a discreet clientele" which seeks "to service only hotel guests and the local community".

I consider that the residents in the local community and the discreet clientele who will be attracted to the Hotel would find the areas of the licence to which I have objected will not increase their enjoyment of the design led boutique Hotel in which they are staying. The noise, possible lack of security, and effects of potentially noisy and boisterous activity are likely to affect the Hotel residents as well as the local community.

St Paul's Square
York
YO24 4BD

City of York, Licensing Services
Hazel Court Eco Depot
James Street York YO10 3DS
licensing@york.gov.uk

15 May 2023

Licensing application for Holgate Bridge, objections close 16th May

I wish to object to The Holgate Bridge application for an alcohol licence for sale of alcohol both to residents and members of the public. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live on Watson Street at the junction with Watson Terrace and opposite the Dock, an enclosed grassed area between Watson Street, the train tracks and St Pauls Church with Holgate Road behind. Our area of St Pauls is a community of a number of purely residential streets and cul de sacs, a primary school and nursery, accessed by only 2 roads in and out.

This is a quiet and very neighbourly area it has been my home for years. The busiest times of day are weekday mornings and mid afternoons when children, mostly on foot, arrive at and leave the St Pauls Primary School via the pupils entrance on Watson Terrace. Many of them live here in the surrounding streets. During the day the area is still and quiet except for the sound of children playing in the school at breaktimes and passing trains, which are part of our daily routine as a community. There is no noise from any commercial premises.

St Pauls is tucked away behind Holgate Road. The train tracks and bridge, the tall St Pauls Church and the tall townhouses along Holgate Road create a noise barrier and keep out the noise and bustle of Holgate Road. But equally, and most troubling is any noise within the said area is also magnified by the same noise barriers, so groups of young people and adults which could be 3 to 6 people can sound more like 20. Holgate is incredibly quiet, especially evenings and Sundays the stillness and silence are astonishing and that is the beauty of living here. This proposed licensed premises coming into the area would be extremely disruptive and it will certainly destroy our sense of community, peace and quiet.

The planned area, at the back of Holgate Bridge, to entertain their guests, backs onto Cecilia Place which all our bedrooms and small gardens back onto, we will be subjected to the noise of their drinking and celebrations both during the day, late into the night and early morning, 5 a.m. is unacceptable.

I am concerned about extra cars and taxis, passing or stopping outside my house during the day and at night and in the early hours of the morning, affecting my health and my sleep, and my feeling of security in my own home.

Having more people from outside the community staying at and visiting the Holgate Bridge enticed by the generous and long licensing hours will increase traffic problems and be a risk to road safety and pedestrian safety including the children going to St Paul's school and nursery, the entrance is opposite the Holgate Bridge.

We have our own local community pub on Watson Street, The Volunteer Arms, I strongly feel that any visitors to the area should be welcomed into the existing licensed premises. It is a warm hub run by an experienced Landlady who serves the entire community, locals and visitors. The Volunteer's licenced hours are acceptable and more than adequate for everyone to enjoy a good night out. I also do not think it is right for our Pub to have to

compete from a new business model with 24 hour licencing hours, especially the proposed licenced property so close to an established business.

Although I have read the notices for the proposed licences which are posted on the Holgate Bridge gate, the residents haven't had any official notification of the proposed changes to the Hotel or its intention to change its business model. York Council have not informed us either of any proposed licence changes and they must be aware of how these proposed licencing hours will impact the local residents around Holgate Bridge.

Serving alcohol to their residential clients is acceptable and expected for a hotel and that is how the business has traded successfully over the years, but when I heard that they planned to open to the public too and to apply for drinking and dining outside I was shocked that their application could even be considered. If it is allowed it will be truly disastrous for the community that live here and our safety from greater levels of crime, disorder, noise disruption and road safety.

This has been badly thought through and the new owner doesn't seem to understand or respect our residential Holgate community. The application is purely for attracting large numbers of clientele and the making of excessive profit with little regard for the residents or the quiet, seclusion and attractiveness of our home which is Holgate.

Watson Street, YO24 4BH

Sefton, Helen

From: [REDACTED]
Sent: 16 May 2023 11:41
To: licensing@york.gov.uk
Subject: LICENSING APPLICATION FOR HOLGATE BRIDGE HOTEL

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 register my objection to a license for the above hotel to sell alcohol both to residents and members of the public, and to it being granted for 24 hours a day.

I am a resident of Railway Terrace where I have lived for many years. Like others in this residential area, we like it for its peace and quiet with no noise from commercial premises or any other source. Railway Terrace is often used as a short cut to town via the footbridge and we are used to people passing by, but my concern is that with the possibility of more alcohol drinking and maybe for 24 hours at the above premises, there could be increased drunken behaviour from passers by, possibly including noisy racegoers, and for longer periods of time. I am concerned too about increased traffic and the need for parking in the area.

The hotel has so far withheld any information regarding their plans, but from what we hear it is astonishing that such an application may even be considered in a quiet residential area. I urge you to refuse this application.

[REDACTED], Railway Terrace, York.

Sefton, Helen

From: Cllr. K. Taylor
Sent: 16 May 2023 12:45
To: licensing@york.gov.uk
Cc: Cllr. L. Steels-Walshaw
Subject: Objection to license application - Holgate Bridge Hotel

Good afternoon.

I wish to object to Holgate Bridge Limited's current license application for Holgate Bridge Hotel, 106-108 Holgate Road, York, YO24 4BB.

Public Safety

I am very concerned about the prospect of what will effectively become a day (and night) time bar with an access point opening up almost exactly opposite a busy entrance to St Pauls Primary School. The applied for hours to sell alcohol to members of the public comfortably over-lap the morning drop-off time and the afternoon pick-up time. This could be problematic on particularly busy days (e.g. race days, stag/hen parties) in what is a tight area with high passing footfall, cycling, and vehicular movements by parents and/with children. I appreciate this is a worst case scenario but I do not think it is a particularly unlikely one, especially with such little information on how such scenarios will be managed. I note that the applicant had stated in a note to local residents that there will be "*strict policies in place to protect to our local residents from potential disruption*" but there is no detail on this to put weight on it.

Public Nuisance

Similar to above, but more likely than safety concerns, is the prospect of nuisance caused by those guests and members of the public enjoying the extremely generous serving hours to an extent that nuisance is caused. This is a quiet residential / conservation area, already with a well-managed pub immediately nearby to cater for those wanting to drink, and the applicant is located next to social housing for particularly vulnerable residents. Again, in a note to local residents to applicant says they have, or will have, a "strict policy around noise in our garden" but there is no detail on this to make a credible assessment.

Protection of Children from Harm

I am very uncomfortable with the prospect of drunk guests / members of the public leaving the premises immediately onto one of the entry/exit points to St Pauls Primary School. On any day this could be an issue but it is surely likely to be an issue at busier times, which do not exclusively fall on Saturdays and Sundays.

I would need to see more detail, and more meaningful conditions/mitigations instructed beyond the paltry ones in place so far, to be assured that this application will not have a disproportionately negative impact on the local community. If such an outcome is not feasible then this application should be refused. As things stand, it appears that we are looking at what was once a discrete B&B with limited, if any, negative impact on the local community becoming an open bar in all but name, with few controls on it.

In closing - while this is a distant second to the material considerations of the application - I am aware of the Applicant claiming in the aforementioned note (to residents) that they withdrew their previous application having reviewed previously submitted objections. As I understand it, this application was only withdrawn following instruction by Licensing Services after the process for displaying notices was not followed correctly. There is distinct gap between these two reasons. It might also be a mix of both of them. Clarity from Licensing Services would be appreciated here because, as it appears, the framing of this claim in the resident-facing note is not helpful in terms of - meaningful - community relations going forward.

Thank you for your consideration of this objection. Please can you confirm receipt of it?

Kallum

Cllr Kallum Taylor

Labour Member for Holgate Ward - City of York Council

07931 557 982

We hold three monthly drop-in sessions for Holgate residents every:

- First Saturday - 8am-10am - West Bank Park Bowls Pavilion

- Second Friday - 11am-1pm - Lindsey Avenue Housing Office with Citizens Advice, North Yorkshire Police, and supporting staff from the Council

- Third Saturday - 8am-10am - St Barnabas Church

Due to the hours of my day job I will often answer emails early in the morning, late in the evening, and at weekends.



16th May 2023
The Senior Licensing Officer
Licensing Services
City of York Council, Eco Depot, Hazel Court
York
YO10 3DS

Dear Madam,

Objection to Licensing Application by New Holgate Limited

We are writing to object to the granting of a licence to New Holgate Limited at their premises 106-108 Holgate Road, York, YO24 4BB.

The rear and back garden of the premises are located in a quiet residential area comprising privately-owned and social housing, a nursery school and a primary school. It is a Conservation Area and many of the privately owned residences are Listed Grade 2. On Watson Street there is recreation ground named 'Holgate Dock', which is used by St. Paul's School and local residents, and which is separated from Watson Street only by a very low brick wall. There is also a traditional public house. The social housing is located within a pleasant L-shaped building within a cul-de-sac in which children play, while some forty private residences surround a garden square, which may be unique in York for its beauty and tranquillity.

Before stating our specific objections to the granting of the application we should express our concern at the manner in which it has been submitted. The applicant has neither adhered to the required submission protocols nor been consistent about the activities for which he seeks a licence. This has resulted in delays to the application process and caused us, as local residents, distress and a lack confidence in the applicant's intentions and his ability to run a well-managed venue.

Our objections are as follows:

1. Prevention of crime and disorder: the sale of alcohol for extended hours to members of the public is likely to attract people for the purpose of drinking alcohol all day and late at night when public houses are closed. This is likely to bring disorderly behaviour into a quiet residential area with the likelihood of acts of anti-social behaviour and vandalism. We fear it would be harmful to risk bringing the kind of late night disorder now so prevalent in York city centre to a quiet residential area such as ours.
2. Public safety: if alcohol is freely available not only to hotel residents but to members of the public there will be risks to public safety caused by inebriated pedestrians and by the many cars that will enter the residential area with its narrow streets, narrow pavements, and blind corners and entrances.

3. The prevention of public nuisance: in the event of approving the application as submitted, the wide latitude granted to the applicant for the sale of alcohol to the general public over long hours will prevent the applicant from effectively taking responsibility for, or having control over, the behaviour of his customers. This is a matter of grave concern. Another great concern would be the nuisance to neighbours caused by the noise from the hotel's outside diners and drinkers and from any amplified live or recorded music in the hotel garden that is incidental to the dining and drinking activities. Such noise would undoubtedly have a deleterious impact on local residents' use of their own gardens and on their sleep, wellbeing and mental health, including those of the neighbourhood's children. Please note that the topography of the area and the configuration of the buildings will cause noise to reverberate around all dwellings, and not just those in closest proximity to the hotel.

4. The protection of children from harm: the entrance to the New Holgate Hotel is directly across Watson Terrace from the alleyway leading to St. Paul's Primary School and from the residential cul-de-sac in which children play. Also nearby is the St. Paul's Nursery. In addition, the Holgate Dock recreation field is nearby. An increase in the number of adult customers seeking to buy alcohol from the hotel's premises will cause the presence of unidentifiable adults frequenting the immediate area where large numbers of children and parents pass and congregate. In addition, the children of local residents frequently pass through the area in pursuit of their normal daily activities. It will be impossible to distinguish *bona fide* hotel customers from any adults that may wish to observe young children with intent to harm. In considering this application for a licence we urge you to place paramount importance on the need to guarantee the safeguarding of children, both those who attend the two schools and those who are locally resident.

If our objections to the granting of a licence are not upheld, we fear that other properties in the row of houses in which the applicant's premises are located will be similarly adapted for the purpose of profit. As a result of this, the peace of this harmonious and historic residential neighbourhood will be destroyed and the safety of children will be jeopardised.

Thank you very much for your consideration.

Yours faithfully,

St. Paul's Square,
York
YO24 4BD
Tel:
Mob

Sefton, Helen

From: [redacted] <[redacted]>
Sent: 16 May 2023 14:58
To: licensing@york.gov.uk
Subject: Representation in respect of the Holgate Bridge Hotel Licensing Application

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.

Representation in respect of Holgate Bridge Hotel Licensing Application

Made by ([redacted] Davies) " [redacted] " St Paul's Square.
YO24 4BD

Objection made in relation to " The Prevention off Public Nuisance."
We appreciate the application proposes that the service of alcohol in the garden will cease at 22.00 hours. But to ensure that noise levels are restricted we propose that the garden should be closed to the residents and public by 23.00.

We have no other objections to this licensing application as outlined in the document dated 28/03/2023.

Sent from my iPad



City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk

Watson Terrace
YO24 4BQ

15 May 2023

Licensing application for Holgate Bridge, objections close 16th May

I object to Holgate Bridge alcohol licence application. I object to the Hotel staying open 24 hours a day, 7 days a week.

I live in the council housing on Watson Terrace, right next to the entrance to the car park and the back entrance to Holgate Bridge. It is really quiet here. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door through the small car park. After drinking alcohol they are likely to be less inhibited and may be looking into my front windows and making more noise and being louder. More people will come to drink alcohol and I will see more people and more traffic and hear their noise and disturbance. There is nothing to stop me seeing customers drinking outside, or being overlooked by them if I walk out of my house along Watson Street towards the bus stop.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations which are likely to be loud and drunken or partying, as though they are in my garden. My conversations in my garden will be overheard. Up till now no customers or staff sit here regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night. After drinking and partying people going home often make more noise and often find it funny and make even more noise if they are trying to be quiet and this will affect my well-being.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately and are intimidating, use bad language and drop litter.

This is a quiet area and its my home and I like it that way. Holgate Bridge hadn't told us anything about what they are doing.

In case I am unable to attend the Hearing I authorise my letter to be read out on my behalf and my neighbour to speak on my behalf to give any further comments I wish to make.

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(1)



City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk

Cecelia Place
YO24 4BG

15 May 2023

Licensing application for Holgate Bridge, objections closing 16 May

I object to Holgate Bridge application for an alcohol licence. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live in Cecelia Place which is really quiet. Only my neighbours walk past the door. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is really close, about 50 metres away on the other side of Watson Terrace. It is directly opposite the entrance to my front door, with only the small car park in between.

The customers will be drinking in the outside space next to the car park. They will be looking directly across Watson Terrace onto my home.

I can see into the outside space and everything that goes on there from my front door and garden.

There is no screen to stop the noise or smell of food, smoking and alcohol or to stop me seeing them or being overlooked by them.

If I open my windows the noise and smells will come straight in, and they may stop me wanting to sit in the back garden.

If my sleep is disturbed by the noise and people and cars and taxis, even in the middle of the night this will affect my well-being and my mental health problems.

People who come from the races will come here for the alcohol and they are often loud, behave inappropriately and can be intimidating, use bad language and drop litter.

If cars and taxis stop or turn around in our Place they may cause disturbance, damage or use my parking space so my mother is unable to park when she visits me or takes me to places. I would find it very difficult or impossible to make a formal complaint about noise or parking.

This is a quiet area and that's why I live here.

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The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in all financial dealings. The second part of the document provides a detailed overview of the company's financial performance over the past year, including a breakdown of revenue, expenses, and profit. The third part of the document outlines the company's strategic goals and objectives for the upcoming year, and discusses the various initiatives and projects that will be undertaken to achieve these goals. The fourth part of the document provides a summary of the company's overall financial position and outlook, and concludes with a statement of confidence in the company's future success.

The fifth part of the document provides a detailed overview of the company's financial performance over the past year, including a breakdown of revenue, expenses, and profit. The sixth part of the document outlines the company's strategic goals and objectives for the upcoming year, and discusses the various initiatives and projects that will be undertaken to achieve these goals. The seventh part of the document provides a summary of the company's overall financial position and outlook, and concludes with a statement of confidence in the company's future success.

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City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk



Watson Terrace
YO24 4BQ

15 May 2023

Licensing application for Holgate Bridge, objections close 16th May

I object to Holgate Bridge alcohol licence application. I object to the selling of alcohol to anyone at any time of day or night. I object to the use of the outside area as a licensed area. I object to the Hotel staying open 24 hours a day, 7 days a week.

I live in the council housing on Watson Terrace, my upstairs apartment is the closest dwelling to the entrance to the car park and the back entrance to Holgate Bridge.

It is really quiet here which is extremely important for me. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door to enter the Holgate Bridge via the car park where they will pass by my windows to get to the outside space and enter the Holgate Bridge. After drinking alcohol they are likely to be less inhibited and making more noise and being louder. More people will come to Holgate Bridge if they know they can drink alcohol and I will see more people and more traffic and hear their noise and disturbance.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations which are likely to be loud and drunken or partying, as though they are in my garden. My conversations will be overheard. Up till now no customers or staff sit there regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night. After drinking and partying people going home often make more noise and often find it funny and make even more noise if they are trying to be quiet and this will affect me very badly. I am attended 3 times a day by care workers. I am not able to manage any disruption of my care. My Watson Terrace neighbours look out for me and they know that this will be an impossible situation for me.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately and are intimidating, use bad language and drop litter. We can't have any people from the races coming round here.

This is a quiet area and its my home and I like it that way. Holgate Bridge hadn't told us anything about what they are doing.

In case I am unable to attend the hearing I wish for my letter to be entered on my behalf and my neighbour to speak on my behalf to give any further comments I wish to make.

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City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk

Watson Terrace
YO24 4BQ

14 May 2023

Licensing application for Holgate Bridge, objections close 16th May

I object to Holgate Bridge serving 24 hour alcohol and holding events to get people to stay at the hotel and to visit during the day up to 10pm. I object to them staying open 24 hours a day, 7 days a week.

I live on Watson Terrace, right next to the entrance to the car park and the back entrance to Holgate Bridge. It is really quiet here. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door through the small car park. They will be looking into my front windows. I will see more people and more traffic and hear their noise and disturbance. There is nothing to stop me seeing customers sitting outside, or being overlooked by them if I walk out of my house along Watson Street towards the bus stop.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations as though they are in my garden. My conversations in my garden will be overheard. Up till now no customers or staff sit here regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night and this will my well-being.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately, use bad language and drop litter.

This is a quiet area and its my home and I like it that way. Holgate Bridge hadn't told us anything about what they are doing.

Watson Terrace
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City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk



Watson Terrace
YO24 4BQ

14 May 2023

Licensing application for Holgate Bridge, objections close 16th May

I object to Holgate Bridge serving 24 hour alcohol and holding events to get people to stay at the hotel and to visit during the day up to 10pm. I object to them staying open 24 hours a day, 7 days a week.

I live on Watson Terrace, next to the entrance to the car park and the back entrance to Holgate Bridge. It is quiet here. Most of the people who walk along Watson Terrace are people from around here, and they know me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door through the small car park. They will be looking into my front windows. I will see more people and more traffic and hear their noise and disturbance. There is nothing to stop me seeing customers sitting outside, or being overlooked by them every time I walk out of my house along Watson Street walking my dog.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations as though they are in my garden. My conversations in my garden will be overheard. Up till now no customers or staff sit here regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night and this will affect my well-being.

The disturbance will upset my dog and this will affect my sleep. People staying and visiting to drink, bringing their dogs will cause a disturbance letting them out near me and this will upset my dog and it might be attacked.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately, use bad language and drop litter.

This is a quiet area and its my home and I like it. Holgate Bridge hadn't told us anything about what they are doing. This would be impossible for me.

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City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk



Cecelia Place
YO24 4BG
16 May 2023

Licensing application for Holgate Bridge, objections closing 16 May

I object to Holgate Bridge application for an alcohol licence. I object to customers drinking outside at any time, it will be completely awful even if there's only a few of them and there's no way they can even sit out there in groups, let alone be allowed to start drinking out there from 8am to 10pm. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live in Cecelia Place which is really quiet. Only my neighbours walk past the door. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is really close, about 50 metres away on the other side of Watson Terrace. It is directly opposite the entrance to my front door, with only the small car park in between.

The customers will be drinking in the outside space next to the car park. They will be looking directly across Watson Terrace onto my home.

I can see into the outside space and everything that goes on there from my front door and garden.

There is no screen to stop the noise or smell of food, smoking and alcohol or to stop me seeing them or being overlooked by them.

If I open my windows the noise and smells will come straight in, and it will stop me wanting to sit in the front garden right opposite them as they go in and out.

If my sleep is disturbed by the noise and people and cars and taxis, even in the middle of the night this will affect my well-being and my health problems. I have care workers visiting 4 times a day and the noise, where at the moment there is nothing, will be awful.

People who come from the races are the worst, and they will come here for the alcohol and they are loud, and on top of that even when they leave the races they are often offensive and intimidating, use bad language and drop litter, so they should not be able to drink even more alcohol and be even louder right here. It's no good saying we can complain, that doesn't help us while they are here, we just have to put up with it, and that's not right. If cars and taxis pick up or turn around in our Place they cause even more disturbance. I would find it very difficult or impossible to make a formal complaint about noise.

This is a quiet area and that's why I live here. Why has the council not told us about this? They usually tell us if there is work going on around here so we can manage it and know when it will finish.

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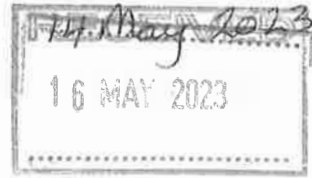
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City of York, Licensing Services
 Mayal Court Eco Depot
 James Street YO10 3DS
 email licensing@york.gov.uk

St Pauls Sq
 YORK YO24 4BD



Licensing application for Holgate Bridge, objections close
16th May 2023

I object to Holgate Bridge application for a 24 hour alcohol licence for residents to promote the hotel and for daytime and evening up to 10pm alcohol licence for members of the public including holding licensed events. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live on the narrow one way road into St Pauls Square. It is quiet, there is very little traffic. I regularly walk a dog around the Square.

The outside space at the back of Holgate Bridge is enclosed by the same high buildings that run along Holgate Road past my house, so any outside noise in the gardens, particularly along the back of Holgate Road houses carries and is loud and clear and troubles me.

People entering Watson Terrace and St Pauls Square walk or drive straight past the entrance to my

house. I see the same people passing by or driving in. If the Horgate Bridge opens up as a licensed premises for members of the public many more people, who I have never seen before will pass within inches of my garden. There will be more people, more noise disturbance and more traffic.

By licensing the premises to attract evening drinking customs there will be noise, people, cars and taxis, even in the middle of the night passing by my house.

people who attend the races come here. They are loud, behave inappropriately, use bad language and drop litter. I have been verbally abused by groups of people outside my house from the Asta Hostel, completely unprovoked. The only reason being because I'm elderly, live alone and a bit unsteady.

This is a quiet area and it is my home. Horgate Bridge hadn't told us anything about what they are doing. Even when they wrote a circular letter to residents of St. Pauls Square after they received objections, they did not deliver a copy to me. I read the letter and its empty intentions and do not trust the owner.

City of York Council
Licensing Services
Hazel Court Eco Depot,
James Street
YO10 3DS

By email only licensing@york.gov.uk

16 May 2023

To whom it may concern

Applicant: Holgate Bridge Limited
Premises Address: Holgate Bridge Hotel, 106-108 Holgate Road, York, YO24 4BB

I am writing concerning the above licensing application which I wish to object to.

I have the following objections to the application.

The property frontage and entrance sits on Holgate Road. However, the car park and garden sit to the rear of the property with an exit on to Watson Terrace. A few meters across the road from the site of the Watson Terrace entrance/exit is the entrance and exit to St Paul's C of E Primary School. That school has approximately 189 children on the school roll.

As well as being dropped off in the mornings around 8.45 to 9am, children are collected from 3pm to 4.15pm. Throughout the day the children will routinely walk along Watson Street to the land known as 'the Dock' which the school uses as its outdoor space for PE. Children will also routinely walk to and from St Paul's Church and onto Holgate Road when going to or leaving school. St Paul's Nursery School is also in close proximity in St Paul's terrace. The primary school uses the Nursery premises for wrap around care from 7.30am and ending at 6pm.

The present application shows wholesale disregard for the protection of those children from harm. There is nothing in the application concerning any specific measures relating to the school children and their safety in and around the area.

The proposal places a significant number of drinkers around the clock, not only within ear shot and sight of a significant number of children, but within direct conflict as they enter and exit the school and navigate their way home. Children in Years 5 and 6 (10 and 11 year olds) walk home from school on their own unaccompanied.

Their quiet enjoyment of the Dock is also threatened during school games or after school where it is often used by families and for school events including sports and fund raising. Alcohol misuse on the Dock and littering has already been a problem from time to time and poses a significant safeguarding risk to the children and other users both in terms of conflict, noise disturbance, and littering. Many of the pupils live here in the surrounding streets.

Licensing to members of the public in the size and scope requested will attract members of the public who see drinking as a significant part of their reason for visiting the premises.

Racegoers will be a key target market as they already are for other guest properties and hotels in the area. We are concerned about the introduction of increased number of clientele who will cause problems associated with the races including the use of bad language, inappropriate behaviour, loitering, intimidating, trespassing and causing damage to property, littering and vomiting on the pavement or simply partying including inappropriate or antisocial behaviour.

This application is also being made at a time when the Kilma Hotel on Holgate road is already undergoing works to significantly increase its capacity and 128 Holgate Road is being converted from office use to holiday accommodation.

I am also very concerned about road safety and traffic around Watson Terrace where children presently scooter and cycle on the road in quiet and relatively low traffic area which this application threatens.

The parking in the area is already problematic with dangerous parking already a problem, the application risks exacerbating this with customers leaving the area from all directions by vehicle and will be a risk to safety.

We are also concerned about increasing **crime and disorder**. There are break-ins to properties and vehicles from time to time which can be expected to increase and to encroach on the school grounds and the Dock with increasing comings and goings into the area.

This application is ill thought out and entirely inappropriate for the area. It will necessarily increase conflict within the area and should I believe be rejected for all the above reasons and grounds of

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Yours sincerely

St Swithins Walk
Holgate
York
YO26 4UG

Representation by **Paul's Square, YORK YO24 4BD**
(16 May 2023; email

We wish to make a representation concerning the
 Application for the granting of a new premises licence
 (by Holgate Bridge Limited) for the Holgate Bridge Hotel; 106-108, Holgate Road.

OUR REPRESENTATION

Our representation is connected to the objective: "The prevention of public nuisance."

We object very strongly to the use of the outside area as a socialising and dining area. (The applicaon states that space is available for 36 diners or drinkers outside.) *We strongly oppose any use of the outside area for these purposes.*

This outside area

- (i) is extremely close to flats with elderly residents and
- (ii) is close to St Paul's Square Garden and the surrounding houses.

House numbers 1, 2, 3, 4, and 5 St Paul's Square are very close to this outside area.

Any use of the outside area as an entertainment / socialising/ dining area could obviously give rise to a serious public nuisance to the occupiaers of the flats and to residents of St Paul's Square. Noise levels would increase because of (1) the number of customers arriving and departing in order to drink or dine in the area, and (2) because of dinner table conversations outdoors. Any outside added music entertainment (recorded or live) would significantly add to this and would impact the whole community. This would affect people working from home, schoolchildren studying, and people wanting to sleep.

Traffic issues

The roads near the site are narrow with many yellow lines. Visibilities at junctions are already now reduced by parking vehicles. Customers looking for parking spaces will create extra congestion in an area which is already congested and difficult to negotiate. Taxi drivers dropping off and picking up will add to these hazards. Safety for pedestrians and cyclists would deteriorate.

Impact on St Paul's Square

St Paul's Square has been a place of peace and tranquillity for many years; having dining / entertainment areas in the gardens at the back of the houses along the Holgate Road would have a negative effect on that peace and tranquillity.

Allowing this application would encourage further houses along the Holgate Road to also provide outside social / eating / drinking areas. Thus this application would if approved be very likely to prove to be the thin end of a large wedge seriously affecting the amenity of St Paul's Square Garden and the surrounding houses.

APPENDIX: THE LISENSING APPLICATION

Applicant: Holgate Bridge Limited

Premises Address: Holgate Bridge Hotel, 106-108 Holgate Road, York, YO24 4BB

Summary: Application for the grant of a new premises licence: We request an on-premises licence for a new 12 room hotel aiming for the exclusive design led boutique hotel market. The hotel is a design led concept attracting a discrete clientele. We have 12 bedrooms - likely to accommodate a maximum of 22 guests. In addition we have a 18 cover dining room, 12 cover basement bar and 36 cover garden space. In reality we seek to service only hotel guests and the local community.

1. We propose that the full 24 hour provision of alcohol is to guests and bona-fide guests only.
2. We propose that sales of alcohol to members of the public be limited to 08:00 - 24:00. The sale of alcohol to members of the public, between 08:00 – 10:00 hours, daily, will be ancillary to food.
3. All off sales of alcohol shall be in sealed containers.
4. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area, as per the premises plan, onto the pavement or highway.
5. We propose to cease service of alcohol in the garden at 22:00 daily.

Provision of Late Light Refreshment Monday to Sunday (on the premise and only to hotel guests) 23:00 – 05:00

14 Supply of Alcohol (on and off the premise) Monday to Sunday 00:00 – 24:00 (guests only) 08:00 – 24:00 (members of the public).

Opening Times:

Monday to Sunday 00:00 – 24:00 (guests only) 08:00 – 24:00 (members of the public)

End of representations now 16 May 2023

15 May 2023

City of York, Licensing Services
Hazel Court Eco Depot
James Street York YO10 3DS
licensing@york.gov.uk

Licensing application for Holgate Bridge, objections close 16th May

I object to Holgate Bridge application for an alcohol licence both for sale of alcohol to residents and to members of the public. I object to Holgate Bridge welcoming dogs of hotel residents without any limitation on breed or size of dog, in combination with the sale of alcohol to their owners. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

This is a quiet and very neighbourly area, It has been home for 5 years. During the day the area is still and quiet except for the sound of children playing in the school at breaktimes and passing trains, which are part of our daily routine as a community. There is no noise from any commercial premises.

I live on St Pauls Terrace, which is one of the two streets leading to the footbridge from St Pauls to the centre of York. The biggest issue is that disturbance of people crossing into the area or leaving by the footbridge, some of them being disorderly.

Our area, St Pauls, is tucked away behind Holgate Road. The train tracks and bridge, the tall St Pauls Church and the tall townhouses along Holgate Road create a noise barrier and keep out the noise and bustle of Holgate Road. So it is incredibly quiet, especially evenings and Sundays the stillness and silence are astonishing.

What troubles us is that any noise within the area is also magnified by the same noise barriers, so any disruptive groups of people which can be 3 to 6 people sound more like 20.

If a licensed premises were to come into the area this would be impossible for us. The extra people arriving by foot and car, blocking up the streets and the junction into Watson Terrace, using R60C visitors parking permits and taking up the very limited residents parking provision, and the noise and disruption of people drinking in the outside space at the back of the Holgate Bridge would be magnified and sound like 10 times the actual number of people. People who come from the races will come here for the alcohol and they are loud, behave inappropriately, their language is often highly offensive and they leave litter. More people will walk into and out of the area by the footbridge and more of them will be coming from the Hotel after drinking. This makes them more disorderly, less inhibited and they make more noise.

I walk my dog around the area daily. She is not a confident dog and the quiet reassures her. It would trouble us both to encounter on a daily basis new strangers and their dogs coming into the area and being walked by owners who are able to consume alcohol 24 hours at the premises.

Having more people from outside the community staying at and visiting the Holgate Bridge and drinking will increase traffic, noise and disorder problems and be a risk to road safety and pedestrian safety. It is completely inappropriate to attract people from outside the area and will destroy our sense of community.

Holgate Bridge hadn't told us anything about what they will really be doing. Serving alcohol to their existing custom would be bad enough as it will attract different custom, but opening to the public too and for drinking outside we are shocked that their application could even be considered. If it is allowed it will set a precedent which could be disastrous for the

community that live here and our safety from greater levels of crime, disorder, noise disruption and road safety. This has been really badly thought through and the new owner seems to have no clue about the community living here and to be motivated to profit from the quiet, seclusion and attractiveness of our home.

St Pauls Terrace,
Holgate,
YO24 4BJ

Sefton, Helen

From:
Sent: 16 May 2023 20:07
To: licensing@york.gov.uk
Cc:
Subject: Re: Holgate Bridge Licence Application 106-108 Holgate Road YO24 4BB
Attachments: Representations - updated 2022 Guidance.pdf
Categories: Helen

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

Dear Helen

We are writing to you in respect of the application dated 03/03/23 in respect of Holgate Bridge 106-108 Holgate Road.

We have premises at Holgate Road) and Holgate Road
(Address for correspondence Holgate Road)

Please note that we have no fundamental objection to the property above obtaining a premises licence.

We do however have concerns about the extent of the licensing hours proposed. We have concerns about the public nuisance issue as a result of the availability of alcohol for 24 hours to guests and on/off sales to the general public from 8.00 to 24.00.

Extending alcohol sales to the general public will attract late night drinkers (after the local pub has closed) and increased footfall at unsociable hours to a residential and conservation area. Additional traffic, loitering and late night taxis will all contribute to the disruption. Drinking all day until Midnight and beyond leads to anti social behaviour, swearing, shouting and often aggression, ultimately resulting in crime and disorder issues. In central areas there is often a police presence, as a residential area we do not have this security and protection.

The property should ensure that the car park/ outside area curfew is enforced. If utilised as a beer garden this would particularly on summer evenings create significant noise pollution and nuisance, leading to potentially antisocial behaviour and disruption to this residential area beyond its curfew.

We hope that you consider our comments.

On Tuesday, 16 May 2023, 08:30:45 BST, licensing@york.gov.uk <licensing@york.gov.uk> wrote:

City of York, Licensing Services
Hazel Court Eco Depot
James Street YO10 3DS
By email / hand to licensing@york.gov.uk

Cecelia Place
YO24 4BG

14 May 2023

Licensing application for Holgate Bridge, objections closing 16 May

We object to Holgate Bridge serving 24 hour alcohol and holding events to get people to stay there and to visit during the day up to 10pm. We object to it staying open 24 hours a day, 7 days a week. They can't do this.

Me and my family live in Cecelia Place which is really quiet. Only my neighbours walk past our door. Most of the people who walk along Watson Terrace are people from around here and from our school, and they don't trouble us.

The outside space at the back of Holgate Bridge is really close, about 50 metres away on the other side of Watson Terrace. It is directly opposite the entrance to my front door. There is nothing between us except the small car park.

The customers will be drinking in the outside space next to the car park. They will be looking directly across Watson Terrace onto my home. Me and my child will have to walk past them for school.

I can see into the outside space and everything that goes on there from my front door and garden.

There is no screen to stop the noise or smell of food, smoking and alcohol or to stop me seeing them or being overlooked by them.

If I open my windows the noise and smells will come straight in.

We sit in the back garden with friends and neighbours a lot, to get outside, and we enjoy being outside with my child. This will be destroyed by the noise and disturbance from outside space.

At night our sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night and this will affect my child's schooling and my well-being.

The disturbance will upset our dog and this will affect our sleep and could cause us trouble. People staying and visiting to drink, bringing their dogs will cause a disturbance letting them out near us and this will upset our dog and they might fight.

We sometimes talk with neighbours in front of our house and our conversations will be overheard.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately, use bad language and drop litter.

If cars and taxis stop or turn around in our Place they may cause disturbance, damage or use our parking spaces. Its no use and just upsetting to complain about noise or parking.

This is a quiet area and its our home and we like it that way. Holgate Bridge hadn't told us anything about what they are doing and they can't do that.

Sefton, Helen

From:
Sent: 16 May 2023 23:31
To: licensing@york.gov.uk
Subject: Objection to Application for Holgate Bridge, YO244BB
Categories: Helen

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 Licensing Team,

Please find my objections to the above application for a new premises licence and sale of alcohol, made as a resident at
St. Paul's Square, YO24 4BD.

The application is in effect an application of a change in use, though not presented this way, from a small B and B, to an 8 am to midnight off licence and outdoor bar. It is in a quiet, residential conservation area, which already has The Volunteer Arms serving the local community and guests of the Holgate Bridge, a corner shop, and no additional need for sale of alcohol.

My objections are on the following grounds:

Prevention of Public Nuisance and crime and disorder 1. Noise. The designated drinking area is out of doors. This will cause significant noise disturbance above the ambient level which, especially after school hours, is extremely quiet. It is hard to see what control could be placed on this to prevent noise disturbance unless the dining and drinking area is restricted indoors only, and sufficient sound proofing measures taken. I ask your Environmental Health team to give evidence about expected noise levels from outdoor dining and drinking. The nature of the houses causes an amphitheatre effect such that noise echoes further than might otherwise be the case.

2. Behaviour, particularly on race days. This is a residential neighbourhood with private gardens, and isn't suited to attracting people who want to buy and drink alcohol off premises from 8 am to midnight. The sale of alcohol for off site drinking doesn't sit easily with the suggestion that this is a boutique hotel, catering only for guests, and raises doubts as to other statements made by the applicant. No off site alcohol sales should be allowed, and onsite alcohol sales should be restricted to indoor dining over lunch and in the evening until 9pm, to prevent increased late night noise disturbance or rowdy behaviour from guests leaving.

3. The site opens directly onto the entrance to St. Paul's primary school and close to St. Paul's nursery, which already suffers from congestion at school opening and closing times. It is a narrow road, with no parking spaces, and an increase in vehicles entering and leaving the rear of Holgate Bridge will cause nuisance. The front of the hotel in Holgate Road is restricted by double yellow lines. If a condition can be made that all traffic and entrance and exits to the hotel will be by the front only, this might assuage the problem, but given the road markings this is difficult to envisage.

Protection of children from harm and public safety

4. Increase in vehicles around the school and nursery also involves potential harm to children. There is inevitable, frequent 'spilling' of children onto the road all along

Watson Terrace before and after school and frequently during the day at the various drop off and collection times at the Nursery.

5. The potential for drunken /rowdy behaviour, particularly on race days, but year round if outdoor dining and all day drinking is allowed, is unsuitable at such close proximity to 2 schools for children from the ages of 3-11.

Thank you for your consideration.

Kind regards

City of York, Licensing Services
Hazel Court Eco Depot, James Street YO10 3DS
By email / hand to licensing@york.gov.uk

St Pauls Square
YO24 4BD
16 May 2023

Licensing application for Holgate Bridge, objections close 16th May

We object to the Holgate Bridge application for an alcohol licence. We object to any hours of licensing to hotel residents, bona fide guests and to members of the public.

We object to Holgate Bridge staying open 24 hours a day. We object to any opening hours after 9pm.

We are concerned that licensing of any duration will cause a **public nuisance and present a risk of harm to children** by changing the profile of residents staying at Holgate Bridge to that previously.

Licensing to members of the public will attract members of the public who, unlike those who visit the premises currently, see drinking as a significant part of their reason for visiting the premises. In our experience those who are not motivated to drink will not choose to stay at a Hotel or visit a café which offers alcohol, so as to avoid being troubled by others intending to make their entertainment in the premises during the day and evening and night or who are likely to overindulge in alcohol.

We are concerned about the introduction of a clientele who will cause problems including use of bad language, inappropriate behaviour, loitering, trespassing and damage to property, littering and vomiting and urinating in public places or simply partying including excessive noise levels.

The profile of clientele of the B&B up to know have come for overnight accommodation whilst working locally as long term or short term contractors, or whilst visiting York or family and friends in the area. Other than breakfast, the day would be spent away from the premises, returning to sleep, without causing any disturbance or intrusion in the neighbourhood. This valued clientele will be driven away if the premises is licensed, as well as by the doubled cost of the rooms, which has put the accommodation out of the reach of many.

The applicant suggests that the premises aims to attract local residents, however at £20 for breakfast and £150 a head for a room, this is unrealistic for the majority of local residents and visiting friends and family. Realistically the applicant is aiming for the lucrative group entertainment market including private and corporate parties and race goers*. Having more money at their disposal or being on corporate expenses increases the likelihood of this profile of clientele spending more on alcohol.

* There has been no restrictions or curfews offered on this access or stay/hen do's and the like.
The outside space at the back of the premises is enclosed within an area of high buildings that run along Holgate Road and surround St Pauls Square and Watson Terrace. This shields noise from Holgate Road. Because of this and of the purely residential nature of the area, it is intensely and uniquely quiet and secluded. During evenings and weekends, outside school hours, often the only sound is that of birds in the gardens.

The high buildings also amplify noise within this enclosed area. Noise and drug-smoking problems have been reported on numerous occasions associated with residents of Astor Hostel. Groups of 3 to 6 people can sound like 40. This is particularly the case closer to the back of the Holgate Road premises. Any outside licensed activities will entail noise and smells of cooking which carries and intrudes in our homes and gardens and affects our children studying for GCSEs and A-levels and enjoying healthy time in the garden. We are concerned that if the hotel sells alcohol to residents and members of the public it will increase this public nuisance through noise and antisocial behaviour.

By licensing the premises to attract evening drinking custom there will be noise and people and cars and taxis, even in the middle of the night, passing by our house at night and in the early hours of the

The applicant has not indicated whether he intends to have 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.

morning. If our sleep is disturbed this will affect our health and our childrens' studies. We will feel less secure in our home knowing that strangers are coming into the area while we are asleep.

Licensing to members of the public will dramatically increase the traffic into Watson Terrace and St Pauls Square. From 22 guests in a 24 hour period, the premises may attract 48 members of the public over different times of the day and evening, potentially 150 or more in a 24 hour period, and more when "hosting events in the outside space" as advertised on the website.

We are concerned about our **road safety**. Either entrance into Watson Terrace is restricted. Either entrance has a blind corner with very narrow pavement. The entrance into the premises car park is restricted, blind and crosses the main pedestrian thoroughfare pavement in a largely pedestrian area, and along which our children walk to school. The premises is grade 2 including the high walled entrance into the car park. The car park is so confined that cars will likely have to reverse to exit the car park. The parking is totally inadequate and will lead to increased traffic around the area by customers of the premises trying to park, and this will be a public nuisance, with dangerous parking, taking our parking spaces and causing us to park further afield and will be a risk to safety.

We are concerned about **public safety**. The applicant for the licence has proved himself to be a hazard to public safety and to the possession of a licence, showing a disregard for or inability to understand or follow procedures and terms. He has failed to engage with us and make his intentions known or listen to our concerns. He concealed his application by failing to post a notice on the Watson Terrace perimeter of the premises, and by failing to advertise in the Press, and by obscuring what is being applied for with inconsistent wording and applying for activities which were not contemplated. In reply to objections to the first application, he circulated a letter to residents of St Pauls Square (omitting those most affected and closest to the premises), which is misleading and is full of false assurances. He has failed to understand or to follow the licensing application procedure, including posting a notice (on 2 occasions) before submitting his application, and with incorrect date and proposed activities, and has reinstated activities previously deleted in response to local resident objections, without indicating any condition which would justify such reinstatement. His designated premises supervisor qualified in January, coming from a background in hotel cleaning services. He and his staff have shown disregard for the wishes of the residents, and assumed that we welcome a radical change in use. He has failed to follow the procedures of applying for change of use, planning consent and listed building consent.

The misleading premises plan is further concern for public safety, a childrens' play area marked as a licensed area communicates directly with a whiskey bar area. Bedrooms and en-suites marked as licensed areas will need installation of CCTV according to Police terms ("all areas where alcohol will be consumed").

We are concerned about increasing **crime and disorder** including parking problems. A number of properties in the Square have CCTV to monitor night time activity and break ins, vehicle crime, other damage and problems with dogs. There are break-ins to properties and vehicles from time to time which can be expected to increase with increasing comings and goings into the area.

People entering and walking around St Pauls Square pass directly in front of our ground floor windows, and past the entrance to our house and garden. Licensing will cause many more people from outside the area to pass our windows and front door at any time of day and night.

This application is ill conceived, impractical given the inadequate size of the premises and the parking provision and ~~totally~~ incompatible and inconsistent with the neighbourhood and community.

Signed:

Name:

As the application stands there are insufficient conditions to control noise from the licensable activities within the quiet back yard of the premises in a highly residential and supremely quiet setting

Please see attached my representation and attachments.

There is some duplication in this which I propose to strike through in a revised letter if that is helpful. I reserve the right to instruct legal representation, and am awaiting confirmation of availability.

I request that the Environmental Health Officer and Police be present at the Hearing to hear the evidence against the application. I a, shocked that the Police and EHO have dropped conditions and not rejected the application outright.

I note that paragraph 9.38 of the guidance states that "overall interests of the community are a relevant consideration while commercial interests are not."

St Pauls Square

St Pauls Square
York YO24 4BD

By email to licensing@york.gov.uk,
by post or hand to City of York Council Licensing Services
Hazel Court Eco Depot
James Street, York YO10 3DS

16 May 2023

Representation against Licensing application by Holgate Bridge LTD, 106-108 Holgate Road, YO24 4BB

I refer to all documents and objections entered by all parties in the earlier applications filed on 3 Feb 23 and 27 March 23 and request that these are entered in the proceedings for this application, in particular the photographs entered in my objection to the earlier application, which remain valid and are instructive in all objections made in this application, and the conditions agreed with the police and Environmental Health Officer in the earlier application.

The circumstances of this application are strikingly similar to the licence application for St Georges Hotel, which was rejected in full. I request rejection in full of this application for reasons given in St George's Hotel (Public Nuisance, Protection of Children from Harm) and primarily on the grounds of Public Safety in view of the multiple breaches and abuses of procedure, inconsistencies and errors in the application and misrepresentation and concealment of facts and complete lack of engagement by the applicant. I attach a copy of the minutes of the St George's Hotel hearing marked up with relevant precedent which I request be considered in this application.

Public Safety and Public Nuisance

In essence this application relates to a change in operation of the premises which could not possibly be more radical and have more wide-reaching implications throughout the neighbourhood of St Pauls, a secluded and supremely quiet residential area of Holgate.

The applicant has not engaged with those most directly affected, myself and my neighbours. It was only by chance that I came across the initial 3 Feb 2023 application, a week before the date for closing representations, as the applicant failed to post a notice on the rear perimeter of the premises. In the absence of any information on the proposed operation, I was able to find out from PR announcements that that the premises is a 2M investment, for which the applicant envisages creating a "Heart of Holgate" (see Linked In post).

The business plan is based on opening up a new market, our home, and maximising the footfall to and expense of this modest terraced double townhouse B&B premises - in the applicant's own words "there is nothing like this, on this side of York" – this despite the lack of any internal lounge areas or communal areas of any consequence.

To contemplate creating a luxury boutique hotel hosting events and attracting custom from across York and beyond in the secluded residential area of St Pauls onto which the limited car parking and limited outdoor space opens at the back of the premises is ill thought-out and entirely inappropriate for the area.



The premises have been priced out of the reach of the established custom and local residents (£15/£20 breakfast, £30 – 50 bottles of wine, prosecco, champagne – see the website booking options here.

The applicant has admitted by circular letter (prompted by a need to address local resistance to the proposed operation, and addressed only to the most substantial properties in the neighbourhood, neglecting those closest to the premises) (attached)) the “potential for disruption” and references “strict policies in place to protect our local residents from potential disruption”,

however has not supplied anything resembling a strict policy, despite being promised to me by the Operations Manager – I request that all such “strict policies” be made available in good time for consideration before the Hearing. In the absence of any meaningful policies I request rejection of the application in full. This to include the referenced “strict policy” around “noise in our garden, which will be carefully monitored on a daily basis”.

The applicant’s reassurances about noise are unsubstantiated and not accompanied by any noise testing, as to the number of people that might cause a disturbance and how far that might carry.

I request that this licence application be refused until the potential for disturbance and public nuisance by any unlicensed use has been assessed.

In the absence of any way of assessing the controls operated on the unlicensed operation I decided to make an online booking, which was straight forward. Surprisingly and to my concern, this shed some light on the proposed licensed operation. I attach an email confirmation of a Double Suite booking for 1 June, including sofa bed in the small room in addition to the 2-person occupation. I was surprised to be able to pre-order alcohol. Alcohol seems to be central to the offering and the business strategy, along with maximising room occupancy, dogs and luxury items which I expect taps into a market of devotees of these luxury items.

Public nuisance

The Committee will be aware from various representations of the unusual character of St Pauls, which is like an amphitheatre, with barriers to external sound from all sides (railway land on 3 sides, and tall townhouses lining Holgate Road) which amplify sound within the area. This amplification is even more noticeable because of the prevailing silence as a combination of the setting and residential nature.

There is a history of public noise nuisance from Astor Hostels, which has received so many warnings that any use of the garden by residents is infrequent (4 or 5 times a year) and strictly monitored, even this provoking complaints.

Any notion that unlimited use of the Holgate Bridge garden 7 days a week from 8am to 10pm will not cause public nuisance beyond anything until now in the area and provoke instant distress and outrage is absurd in the extreme. The applicant will not be living here, and if he were, the noise disturbance caused by his customers would be a reminder of the profits coming into the enterprise, which might make for a pleasant experience.

The most persistent noise nuisance which was so regular and predictable that I could not unnotice, and became hypersensitised to, was the innocuous use of the outside space to the front of the of Holmwood House Annex, directly opposite our Watson Terrace facing windows, for a few hours every weekday evening last summer by the nicest contractors from Wales on a long-term contract in York. Stuck in a

town, they brought chairs to the front steps and sat sipping a very few beers and talking for hours interspersed every other sentence by a loud and distinctive laugh which penetrated through everything I did and every thought. Finally I could bear it no more and went to speak to them, finding that this was their final week I gritted my teeth and said nothing and my world began again when they left. This sort of noise would be drowned out by other sounds in most neighbourhoods but against the sound of little more than birdsong here, it is deafening.

The thought of a constant background of voices raised in alcohol-fuelled entertainment from morning to past going to sleep daily is just wrong. Throughout the area, the residents have without need for any discussion chosen to not play music outside with very occasional exception, and to ensure that any work being carried out on properties is done without the playing of music. To then have members of the public from outside the area be given carte blanche to drink and party and play music and be entertained literally on our doorsteps, any time of day up to 10pm, to eventually return to their own homes probably in areas rightfully free of the sort of noise disturbance that they have been subjecting us to, is totally unreasonable. This against the backdrop of recent reports such as Lewisham Council threatening to force entry to a musician's home to confiscate her instruments and fine her after receiving complaints about her practising loudly during the day. This highlights the impossible situation that residents can find themselves in when subject to even well-intentioned noise disturbance during the day.

Conditions such as "closing the garden" at 10pm are meaningless, unlicensed noise disturbance during the day for those of us working from home (I am self-employed) and studying at home (my daughter is sitting GCSEs and will be studying for A levels for the next 2 years) is equally devastating, and licensed noise disturbance even worse as there is a concern about speaking to those responsible who may react aggressively, fuelled by alcohol. The alternative to make a formal complaint does nothing to alleviate a sleepless night or tormented day. In these days when everyone's attention is being focussed on the need to be considerate for the mental health of those around us and aware of the damaging effects of neglecting our own mental health, for an authority to even contemplate allowing an application like this, and to put us through the desperate worry that we have suffered during the last 2 months in trying to defend our home, is beyond irresponsible. I am shocked at the Environmental Health Officer's decision to drop restrictions on risk to serious ill-health, in particular the worsening of the ill-health of my neighbours in the Cecelia Place and Watson Terrace Council housing, who are the kindest and gentlest people, doing their best to get by in a world which challenges them daily.

moved into Cecelia Place a month ago and is so happy to be here and he and his mother who visits every day to help him, can't believe his good fortune from Watson Terrace and from Cecelia Place are wary and ready to defend themselves at every knock at the door, checking first from the window before warily opening up, and yet their concerns are for us and I'm humbled by the enormous gratitude they expressed at being told of the application and helped to express their objections to the application — can't read, how was he to know about this? No one has thought to bring this to their attention. from Watson Terrace struggles to communicate and yet his concern is looking out for his neighbour .

The idea of constantly new arrivals of strangers coming day and night to enjoy luxury boutique indulgence and entertainment in full sight and on the doorsteps of these people who want nothing but to be left in peace is obscene and tantamount to undermining everything they have worked for to piece their lives together.

I request an explanation of the double standards of the applicant who, after writing in his letter in March: "we have thoroughly reviewed all objections and fully appreciate the concerns you have regarding the type of services we have applied for and the potential for disruption to our local residents. Due to this we have withdrawn our current application and have reapplied for the licence under new conditions... [which] we hope will be well received by our local residents"

in truth having been required by the Police to drop services included in the 3 Feb 2023 application without any intention to host events for 500+ people (a ridiculous notion, 500+ people would fill half the neighbourhood!) and more realistically to also drop services to members of the public, and the application refiled with no change in services, contrary to this statement, but because of a procedural breach (failure to properly give notice of the application);

to then in April having again had to refile his application (a further procedural breach, failure to give notice in the press), the very next day (19th April) have renegotiated with the Environmental Health Officer to reinstate those terms (services to members of the public) which the applicant claimed had been withdrawn out of concern for local residents.

I urge the Committee to recognise the double standards the applicant has demonstrated throughout this drawn-out application process, the letter being not even a pretence at any engagement but rather a publicity exercise to defuse opposition to the application.

I can see no advantage to myself or to the area of the change of use to a premises for hospitality for members of the public and introduction of licensing.

I request that this licence be rejected outright in the absence of overwhelming evidence of a positive contribution that would benefit the community and outweigh the overwhelming negative implications on the lives of so many people. I attach an email received today from a new acquaintance from St Pauls Terrace saying "marvellous to meet you too- I'm so thankful we did, otherwise I would have been completely unaware regarding filing an objection before tonight's deadline. I've just sent the document". The lack of information on the notice and lack of engagement by the applicant has required me to spend the last few months bringing the application to the attention of as residents with every opportunity, invariably starting with a mild interest and after appreciating the nature of the proposed activities, becoming utter shock and horror (the Council tenants) through indignation and anger and concern for those of us who will be most affected.

Sound tests have not been conducted, there is no parking strategy, the plans and details of the operation are constantly changing with the applicants

Any positive contribution can only be seen as moving an existing benefit away from another operation, there will be no net positive benefit, and the nuisance value will add yet another area to the trouble areas which require heightened policing during race days and party season, rather than confining within existing areas which are already policed for the safety of the surrounding communities.

To quote the St George's Hotel application: "this application was ill-prepared and lacking in detail, such that [the Committee can] not have confidence that the Licensing Objectives will be upheld."

The following are defects in the application and I request its outright rejection:

1. This application is inadmissible as the proposed licensable activities are inconsistent and it is not clear what is being applied for, as illustrated in the Table, resulting in widespread confusion to residents of St Pauls:

	Applicant's Notice posted on wall of premises (2nd and 3rd applications)	Applicant's announcement placed in York Press (3rd application)	York Council Licensing application Register (2nd and 3rd applications)	Public Protection and Police agreed terms (1st application)
Applicant	New Holgate Limited	Nicholas Bradley of New Holgate Limited	Holgate Bridge Limited	
Premises	106-108 Holgate Road	106-108 Holgate Bridge Hotel, Holgate Road	Holgate Bridge Hotel 106-108 Holgate Road	Holgate Bridge Hotel
Sale / Supply of alcohol to residents and bona fide guests (Mon – Sun)	Sale by retail of alcohol 24 hours	Sale by retail of alcohol 24 hours	Supply of alcohol 00:00 – 24:00 (on and off the premises)	Sale of alcohol 08:00 – 24:00
Sale / Supply of alcohol to members of public (Mon–Sun)	Sale by retail of alcohol 08:00 – 24:00	Sale by retail of alcohol 08:00 – 24:00	Supply of alcohol 08:00 – 24:00 (on and off the premises)	
Late night refreshment (Mon – Sun)	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00 (on the premise and only to hotel residents)	23:00 – 24:00
Opening hours Mon – Sun (Hotel residents)			00:00 – 24:00	08:00 – 24:00
Opening hours Mon – Sun (Members of the Public)			08:00 – 24:00	

The Licensing Register reflects the information contained in the application form. The applicants Notice and Press Advert omit relevant information (off-sales, opening hours, correct premises address). The confusing premises address further conceals the problematic double-aspect of the premises, with the main vehicle entrance and the full outdoor activity to the St Pauls aspect at the rear of the premises.

It has been difficult if not impossible to understand what is being applied for. The application should be readvertised with the correct information including opening hours and off sales, or off-sales should be deleted from the application.

2. No reason has been given for removal of terms agreed with the Police and Environmental Health Officer, Mr Golightly, in the 2 March filed application, specifically:

- Opening times were agreed to be restricted to 0800 – 2400
- Sale of alcohol was agreed to be restricted to hotel residents only
- The premises were agreed to operate predominantly as a Hotel / Guest House (i.e. not as a restaurant for members of the public)

Have requirements for CCTV monitoring, and other controls, been lifted? I am shocked that not only sale of alcohol but also off-sales to members of the public has been reinstated.

No conditions have been offered which suggest that the Mr Golightly's original concerns have been addressed. For example, the applicant has said that a customer may wish to buy a bottle of a particular wine to take home. In this case I request that the applicant first apply for a change of use to operate as an off-licence before applying for off sales.

In reference to the St Georges Hotel case, which Mr Golightly attended and stated that he has greater concerns after hearing the evidence during the hearing, I request that the Environmental Health Officer be present at the Hearing and hear the full evidence of those opposing the application. As yet he has heard only the evidence of the applicant, and has accepted the applicants position, even excusing his breaches of procedure as understandable oversights, and that is simply not equitable

3. I request that the application is rejected for failure to set out the proposed licensable activities in full:

- the opening hours are not stated in the applicants notices;
- off sales are not specified in the applicant's notices and members of the public reading the notices would not realise that off sales are included as this is not an off licence.

4. This application is invalid because the licensing plan is so misleading or replete with errors that it does not constitute a meaningful plan and therefore the application fails for failure to file a licensing plan because

- the licensable areas as shown in the licensing plan contravene the assessment criteria of protection of children from harm and of public safety
- and because the applicant has included no alcohol monitoring controls, for the protection of public safety of the neighbourhood

for the following reasons:

- a) the plan indicates that the Play room/kids zone is a licensed area – this contravenes the Licensing Objective of protection of children from harm, it would be possible for a child to have access to alcohol for example if an adult's glass should be unsupervised
- b) the plan indicates that all bedrooms and en-suites are licensed areas – this contravenes the terms agreed with the Police, and to my knowledge not withdrawn, that CCTV should "be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises, it will include all areas where the public have access to consume alcohol" – CCTV recording cannot be conducted while residents are in bedrooms and en-suites.
- c) the plan fails to indicate the location of a single CCTV monitor or of a monitoring station – the applicant has not entered seriously into the planning of safety procedures to meet the Licensing Objectives and for the operation of an alcohol licence, and the licence cannot be granted without approval of the CCTV monitoring plan

I request that the application should be rejected for failure to file a licensing plan.

5. This application is invalid/should be rejected in so far as it relates to sales /supply of alcohol in the outside customer area because:

- pursuant to Revised Guidance issued under section 182 of the Licensing Act 2003 (Dec 2022)* Beer Gardens or other outdoor spaces 8.35: "where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply."
- and the Licensing Plan fails to indicate a bar located in the outside area therefore sales in the outside customer area must be considered to be off-sales and the Licensing Plan amended pursuant to 8.36 to remove the outdoor customer area from the area covered by the premises licence.

We request the amendment of the Licensing Plan accordingly to remove the outside customer area from the area covered by the premises licence.

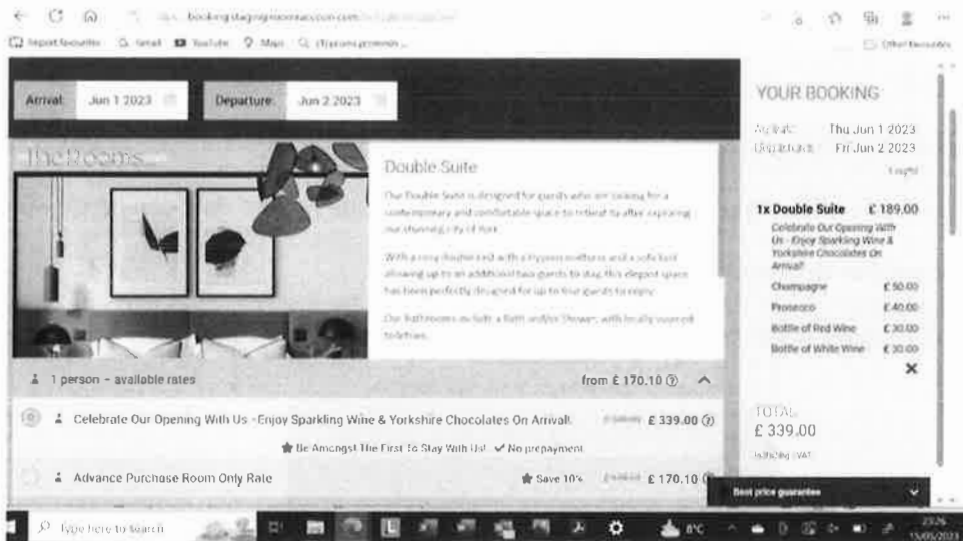
*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1149896/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022_002_.pdf

6. The applicant has breached licensing law by offering sale or supply of alcohol before the granting of an alcohol licence:

- the applicant's website offers "guestswho book between 1 June and 31 July can enjoy wine on us"
- sales of alcohol are live with bookings made on the website
- the licensing application as on York Council licensing register is for the premises Holgate Bridge Hotel, 106 – 108 Holgate Road, no application has been submitted for the premises New Holgate





7. The applicant has breached licensing laws entering into a contract to supply alcohol before the granting of an alcohol licence and taking an order for sale of alcohol before the granting of an alcohol licence:

- See above and the attached booking confirmation email (CODE CELEBRATE10) for a Double Suite on New Holgate website on 1 June 2023 qualifying for complementary wine (“guests ...who book direct ... between 1 June and 31 July can enjoy wine on us”) and including the payment of £150 for a bottle of white wine, a bottle of red wine, champagne and prosecco

8. The application is invalid, as advertised on York Council Licencing Register because it specifies the Licensable Activity of “Supply of alcohol” however this activity relates to the supply of alcohol in a members club, and New Holgate is not a members club, the application as advertised on York Council Licencing register fails to specify the licensable activity of “Sale of alcohol”. Therefore the application carries no valid rights.

9. The application is invalid in relation to sale of alcohol to bona fide guests of residents and to members of the public: it includes a change of use from B&B serving up to 22 guests to Hotel additionally serving bona fide guests of residents and up to 48 members of the public for which there has been no application made and approved for change of use. Therefore any sale of alcohol to members of the public cannot be authorised and the proposed licensable activities cannot be reliably assessed.

I request that the application is withdrawn in respect of sale of alcohol to any non-residents, bona fide guests are also considered to be non-residents.

10. The application is invalid in relation to sale of alcohol in certain licensable areas as illustrated in the Licensing Plan: it relates to proposed licensable activities for which no planning application has been made and no public consultation has been offered:

- Change of ground floor guest bedroom to Mon – Sun 24 hour licensed dining and late night refreshment room
- Change of basement store room to whisky bar
- Change of outside occasional seating area for B&B residents to outside licensed restaurant/dining area and event space for 36 members of the public, operating Mon-Sun 0800 to 2200.
- Change of all three areas (ground floor guest bedroom, basement store room and outside occasional seating area) to licensed multi event space for 50+ members of the public

I request that the Licensing Plan is amended to indicate these areas as non-licensed areas.

11. The application is inadmissible as it is incompatible with York Council Housing located directly adjacent and opposite the premises, in Cecelia Place and Watson Street. Cecelia Place and Watson Street are home to a number of extremely vulnerable residents, several of whom require daily care. They have settled in and benefit from the unsurpassed quiet and tranquility of St Pauls and have integrated supremely well into the community.

A number of the residents have expressed their shock and disbelief at the proposed operation and proposed licensable activities of the premises and have been able to submit objections.

The safety of these residents would be prejudiced by any operation of the premises other than as a non-licensed guesthouse serving only residents.

12. The Applicant has failed to engage with responsible authorities and residents and has submitted documents which contain inconsistencies, are unclear and do not begin to address the issues raised in the application submitted on 3 February 2023. There is currently no operation, while the Hotel is being completely renovated and redesigned and areas/spaces for the proposed licensable activities are building sites. The applicant has misled all parties by statements in the Licensing application such as:

“....In additional we **have** a 18 cover dining room, 12 cover basement bar, 36 cover garden space.” We have since been advised that this garden space is for less than 36 covers, but the number is not indicated in the Licensing Plan. The Licensing Plan now indicates the Dining Room as having 16 covers and the basement bar (Whiskey Room) as having 7 covers. The Plan fails to indicate how many covers the PDR (Private Dining Room) indicated in the Licensing Plan represents in addition to the Dining Room? What is now the intended total number of covers? This can be assumed still to be not a final figures as the dining room is currently a stripped out breakfast room and currently a shell, the Whiskey Room is currently a store room, and the garden space/ is currently a part decked area overlooking a skip, with no provision for guests.

Therefore the applicant should start the process again from the beginning by completing the application properly, providing an operating schedule that addresses the licensing objectives and then engaging with responsible authorities and residents.

The Proposed Licensable Activities:

1. Provision of Late Night Refreshment (on the premise and only to hotel guests). I object to this .

- It is not clear what the premises will be doing
- Late night refreshment is an encouragement to residents who wish to arrive during the night. Late night refreshment is entirely unnecessary for an independent premises with sole vehicle located in a residential neighbourhood. It is more appropriate for premises which are located out of town, in non-residential areas or near an airport etc.
- Late night refreshment, in combination with the proposed 24 hour sale of alcohol, is an encouragement to residents to stay up drinking alcohol and partying through the night.

2. Sale by retail of alcohol to members of the public :

I object to any sale or supply of alcohol to members of the public as impractical and a risk to public safety.

- The management have admitted that residents of the hotel must be ensured sufficient space, and it is not clear how members of the public can be accommodated within the premises, with the lack of public/communal areas.

3. Sale by retail of alcohol to hotel residents and their bona fide guests :

I object to any sale or supply of alcohol to bona fide guests. I object to any sale or supply of alcohol to hotel residents. I object to the opening of a “whisky bar”.

- The proposed sale of alcohol to hotel residents will dramatically change the established clientele (individuals travelling for business and couples and families visiting for the daytime leisure and entertainment) to groups of partying people seeking night-time entertainment. This is a very

obvious change of use for which no application has been made and public have not been consulted.

3. Opening hours : 24 hours Mon – Sun

I object to opening outside the hours of 8am to 9pm.

- 24 hours opening is an encouragement to residents who wish to arrive during the night. It is entirely unnecessary, and highly unusual, for an independently owned single premises town-house "hotel" with sole vehicle access via a residential neighbourhood. It will, by definition create a public nuisance, and goes contrary to every Licensing Objective. It is more appropriate and usual for premises which are part of a hotel chain and are located in non-residential areas out of town or in town centre locations, or near an airport etc.
- The location of the car park to the rear of the premises, overlooking Watson Terrace will create a public nuisance in the event of late night/early morning arrival and departure of residents by car.
- Inevitably some residents will mistake their route, in the absence of an inappropriately large signage, for which no planning application has been made, and will drive further within the residential area, exacerbating the public nuisance .
- The lack of private parking, and tight access risks late arrivals parking on-street within the residential area directly in front of residential premises, which will create a public nuisance. 24 hour opening is more appropriate for premises with adequate parking and adequate lobby space to accommodate check in of night-time arrivals.
- The above public nuisances such as noise of doors banging and voices will seriously disturb our sleep, risking frequently disturbed sleep and completely sleepless nights. This will seriously damage my health and the harmony of my family and our ability to work effectively and study.

The following is relevant evidence for all of my objections to the proposed activities, according to the Public Health England's Guidance "A practical approach to making representation to a licensing authority, here and attached <https://www.gov.uk/government/publications/alcohol-licensing-making-representations/a-practical-approach-to-making-representations-to-a-licensing-authority> .

Premises – size and capacity of the premises will also have an impact of the surrounding environment, what are they going to be doing, history of premises operation, likely customer base, irresponsible price promotions, likely and actual effects

- The size and capacity of the premises is unsuitable, and will encourage members of the public to accumulate in the outside space overlooking Watson Terrace and the St Pauls neighbourhood, this will cause noise which will disturb my daytime working and night time sleeping
- There is inadequate provision for staff, taking cigarette breaks in the cul de sac area of Cecelia Place, which is a private area, and parking in the central area
- The owner has announced on social media, in the Press and by circular letter that he wants to create a vibrant "heart of Holgate", he has acknowledged that "There is nothing like this on this side of York" – by own admission the premises will be creating a space for public entertainment 7 days a week all day and late night entertainment within a secluded residential neighbourhood
- Precedents of alcohol licences granted within the area are not applicable as all have main access from Holgate Road, in contrast to the present premises which is predominantly accessed via, and proposes dining and events in the outdoor space to the rear, directly overlooking St Pauls neighbourhood.
- Precedent of St Georges Hotel application applies, and this application should be rejected in full.
- There is no history of serving members of the public
- There is no history of any form of entertaining other than hotel resident breakfast, which was managed in shifts due to insufficient space to accommodate all guests simultaneously
- The historical customer base is individuals, couples and family groups – opening to members of the public is unnecessary, and risks introducing late night revellers
- Offering a whisky bar is irresponsible, and will encourage late night and excessive consumption of alcohol, being spirits

- It is likely that the owner will offer irresponsible price promotions to generate trade – see the current website offer of sparkling wine as a promotion to generate custom for the opening of the hotel business (Annex)

People – the owner of the premises is ultimately responsible for adhering to the licensing conditions and promoting licensing objectives

- The owner of the premises has demonstrated a lack of responsibility, awareness and ability or willingness to follow procedures in the twice failed licensing applications and the current pending application therefore is not responsible for adhering to the licensing conditions and promoting the licensing objectives: including on 2 failed applications omitting to properly advertise, on two failed applications prematurely placing a non-approved notice purporting to be authorised by Licensing Services and displaying an incorrect end of representations date, before even submitting an application, let alone being authorised, on the current and previous application reverting to licensable activities and opening hours which had been dropped purportedly in response to objections by local residents.
- The owner of the premises has demonstrated a lack of regard for residents of St Pauls Conservation Area. The owner has bypassed all necessary public consultations on planning and change of use and has been secretive about his licensing application, initially omitting to place a notice to the rear of the premises opening onto the St Pauls neighbourhood, twice omitting to place a notice in the approved press publication and in his circular letter glossing over many facts and most notably explaining the first failed applications as “withdrawn ... And reapplied under new conditions taking into account all the information provided in the objection, this is at best misleading and at worst knowingly and recklessly making a false statement to discourage further objections and ease the passage of the application, as the withdrawn application had already been limited, and the second application was in fact broader than the limited withdraw application, as is the current application.
- The owner of the premises has demonstrated a lack of regard for residents, sending a circular letter replete with speculative, misleading and totally impractical or dangerous assurances to all residents of 1 to 37 St Pauls Square, omitting any other St Pauls residents including those directly opposite and adjacent (Watson Terrace, Cecelia Place, 38 to 41 St Pauls Square), for the sole purpose of encouraging the withdrawal of representations.

Physical characteristics of the premises

- Licensing Services or other suitable body having responsibility to decide on or advise, have visited the premises, however were they made aware of the extent of activity proposed in the outdoor space to the rear of the premises? This area is a completely open space in full sight and sound of Watson Terrace, and is proposed as a drinking and dining and event space for up to 36 people, in addition to the entry and exit for those entering the space and the B&B/hotel by car via the car park.
- I request that Licensing Services or other body visit the premises at different times and days, including school hours (the busiest time on Watson Terrace), weekday evenings and weekend daytime and evenings, in particular Sunday, when the area is completely silent – it is during these times that the applicant proposes to run a business selling alcohol to hotel residents and members of the public and hosting events in the outdoor space opening directly onto Watson Terrace and St Pauls Conservation.
- The proposed activity of a drinking and dining and event business of up to 36 people in addition to a further 32 within the building, is at any time, and cumulatively during the day could amount to some 150 or more members of the public entering the outdoor space and the garden with the associated noise and disturbance. This will disturb during daytime my work and my daughters study and in the evening up to 10pm and beyond will disturb our sleep.
- This is a residential area of some 300 residences and a primary and nursery school, with residents including vulnerable living in social housing directly adjacent and opposite the property, families with young and school-age children in full time education, working individuals and couples and elderly, many of whom have chosen to live in this neighbourhood for its extreme

quiet and unspoilt tranquillity, away from the bustle of York centre, and protected from the traffic noise by the high buildings along Holgate Road.

- The location of the outside space and of all of the neighbourhood of St Pauls to the rear of the properties bordering Holgate Road is quite extraordinary in that the height of the Holgate Road buildings both shields the area from the noise along Holgate Road and to the south thereof, and amplifies noise within the St Pauls Conservation Area

2.1 Crime & Disorder

- 48 – 64 members of the public entering the premises via the access-only neighbourhood of St Pauls, introducing the day and night time traffic from outside the area, risks entry to the neighbourhood by prospective criminals and others likely to be disorderly
- 48 – 64 members of the public drinking alcohol on the premises risks their departing from the premises and remaining in the neighbourhood and committing crime or being disorderly – notices to “leave quietly and respect the neighbours” are unlikely to have any effect
- vehicle traffic via Watson Terrace, opposite St Pauls Primary School pupils’ entrance
- parking and waiting in double yellow or “School Keep Clear” zones
- insufficient parking capacity for only 12 or so small vehicles
- new 36 person outdoor open seating and tables area , opening onto Watson Terrace
- Under construction, new 12 person basement bar area
- Advertised as welcoming dogs

I have to question why the applicant is attempting to create this new luxury hotel, dining and drinking business for members of the public in this very sensitive location. The applicant has been reported as saying “there is nothing like this on this side of York”, which is sufficient grounds to demand an in-depth assessment of its suitability in Holgate, and more particularly in the heart of the St Pauls neighbourhood. The Proposed Licensable Activities would encompass the establishment of a night-club.

1 The application should be refused because the proposed licensable activities are likely to lead to crime and disorder.

- The vehicle entrance and newly constructed outside dining area are in a purely residential and school neighbourhood, which is accessed almost exclusively by residents, the school community , members of the public visiting residents or the school or enjoying a walk in the peaceful neighbourhood. There is no reason for anyone else to enter Watson Terrace or St Pauls Square.
- The proposed licensable activities will bring significantly more members of the public into the closed, access only neighbourhood, with the intention of drinking alcohol or purchasing off premises alcohol or both, bringing a greater risk of crime and disorder.
- The closed, access only neighbourhood is very quiet and largely unobserved presenting temptations to members of the public to crime or disorder damaging residents’ cars and property, burglary, littering, graffiti, etc.

2. The application should be refused because the proposed licensable activities are likely to lead to a risk to public safety:

2.1 risk to public safety by drivers under the influence of alcohol:

- Vehicle access to the neighbourhood and to the premises is by a single vehicle width 1-way streets and a very narrow two vehicle width street sufficient for vehicles to pass with caution but without any central line marking, which are prone to congestion by more than a single vehicle
- The turn-out from the premises is blind, with high walls to both sides, leading to a confined and blind exit onto Watson Street, with very narrow pavements
- There is significant pedestrian traffic along Watson Terrace and Watson Street at the start and end of the school day, the pavement in the proximity of the premises and at the junction of Watson Terrace and Watson Street is narrow, in places sloping, and very exposed
- There is an increased risk of guests and members of the public drinking alcohol and leaving the premises by vehicle, with risk of collision with other vehicles and pedestrians, including children.

2.2 risk to public safety by abuse of the safe and regulated operation of an alcohol licence

- The applicant has demonstrated a lack of responsibility, an inability or unwillingness to follow procedures correctly and a lack of regard for and accountability to the local residents
- The applicant is therefore not a "responsible person" within the regulations required for supervision of the sale of alcohol
- The member of staff appointed by the applicant to be DPS, responsible for supervision of the sale of alcohol, in the employment of the applicant, is not free from any influence of the applicant
- The employment record of the DPS is on Hotel Cleaning Services and not in licensing supervision, she is newly qualified and has as yet no experience as a DPS (see attached)

2.3 Risk to the health of council housing residents

- Guests and members of the public (entering and) leaving the premises under the influence of alcohol presents a risk of disputes with each other, and creating an unsettling environment for the vulnerable, which could lead to a risk to their personal safety.

3. The application should be refused because the proposed licensable activities are likely to lead to public nuisance

3.1 The applicant has failed to follow the procedures for the making of a licensing application leading to the withdrawal of the previous 2 applications (notice displayed only on the Holgate Road frontage of the premises and no notice displayed at the rear of the property adjacent to Watson Terrace, and no Press notice, and posting a notice purporting to be an approved application before making an application

3.2 The premises has private parking for only 10 – 13 vehicles, insufficient for up to 22 resident guests, unlimited drinking members of the public and up to 66 dining members of the public and staff and service vehicles

- The applicant has made no provision for service vehicles, and proposes to allocate the entire parking provision for guests of the hotel – this risks unlawful parking of service vehicles on the street, causing a public nuisance in the single width street

4. The proposed licensable activities increase the risk of causing harm to children and contravene policies in place to protect children from harm

4.1 risk of causing harm to children by use of bad language and inappropriate language and conduct, under the influence of alcohol:

CONCLUSION

I have been told that the applicant has made assurances in the application in relation to public safety of guests and members of public on the premises. Assurances for public safety of the neighbourhood is limited to "displaying a range of local transport information on the premises"..... I refer to inadequate assurances in the application, to which I reserve the opportunity to refer in the proceedings.

I quote the ST Georges Hotel application in which the Environmental Health Officer summed up "there is ... a risk [of] introducing noise into an area where noise does not currently exist." I object in the strongest terms and on the above evidence and evidence comprising a recording which I ask to play to the hearing, that there is more than a risk, an inevitability of introducing noise into an area where noise does not currently exist. This will be a risk to health of residents including myself, having a high sensitivity and intolerance to noise and my neighbours in particular those from the council housing.

Moreover there is ... a risk [of] introducing a feeling of insecurity into an area where insecurity does not currently exist.

Attachments

1. Marked up abstracts from Minutes of St Georges Hotel hearing
2. Linked In post publicising ambitions for premises
3. Circular letter to Dear Residents
4. Conditions agreed with Police and Environmental Health Officer in relation to the first application (3 Feb 2023)

5. Conditions agreed with Environmental Health Officer in this application (19 April 2023)
6. Photographs of the area including Plan of St Pauls Area within Holgate Ward
7. Qualification of Designated Premises Supervisor
8. Career history of DPS
9. Marked up Licensing Plan with required areas to be non-licensed
10. Premises architectural plans showing inadequate communal areas, including no lounge areas
11. PHE A practical approach to making representations to a licensing authority
12. Other attachments as attached and not listed

Annex

Comments from Tripadvisor

"Adequate parking though tight when all guests are in."

"There was 2 breakfast sittings, 8.15-9 and 9.15-10.00 but seemed none of the guests knew this and there was no cleaning break... Meaning if we turned up at 9.15 guests were half way through eating and rarely a free table until 9.30. our first morning we had to eat outside. The dining area is probably too small."

"down side would be if you are a light sleeper as abit of floorboard noise from room above."

"Onsite car parking in York is a premium so the car park at the rear of the hotel was very welcome."

"The added advantage of this hotel is that it has a free car park on site, which is good as there is a premium on parking and it is expensive."

"It is a little bit of a walk or bus ride into York, but there is plenty of parking available - which is hard to get closer to York."

"The dining room was very busy, guests were left stood at the entrance waiting to be seated, being ignored and not even acknowledged by the 2 waiting in staff. I overheard one lady say, after 5 minutes, that she was going to sit down rather than standing there like a spare part, then sat down at a dirty table. Due to the way they had set their tables, there was very little room around the breakfast bar, and people sat at the nearby tables were getting banged into. There was more seating downstairs, but guests who'd sat down there were being totally ignored and kept coming up to complain."

"We were allowed to park our vehicle in their car park when we first arrived even though we were too early to check in. We also left the car for several hours after checking out which saved us having to drive into York."

"We ordered two rooms, one was so small I was unable to open my suitcase."

"Breakfast was totally disorganised. They do not have enough tables and the dining area is very cramped."

"There was one night where doors were banging extremely loudly and excessively, shaking our room and it didn't stop until around 1am. I also had someone outside the door early in the morning, calling for someone in the hotel room next to us saying he'd been sat out there for hours!"

Dear Residents,

"New Holgate Hotel" is the restyled recently sold Holgate Bridge B&B, still signed as such, with ongoing building works to introduce non-resident dining for 52 (no change of use application) in addition to the resident dining capacity of 18. The new capacity will be for 16 (revised to 7) in a converted basement bar (no application for planning consent or listed building consent) and 36 (revised to ??) in an outside space on the Watson Terrace side (no planning consent/listed building consent) and unquantified numbers of people to attend "events" (unlicensed activities?) to be hosted in the outside space

We are writing to you from New Holgate with regards to our recent application for an alcohol licence.

24 hour alcohol licence for residents, 0800 to midnight for non-residents; at applicants admission "there is nothing like this on this side of York"
Astor and Kilima/Best Western both have resident alcohol licences, but have hotel entrance and off-road drop off areas and car parking exclusively from Holgate Road

We have been made aware of some objections that have arisen from our application, and so we would like to take this opportunity to inform you that we have thoroughly reviewed all objections and fully appreciate the concerns you have regarding the type of services we have applied for and the potential for disruption to our local residents.

1. "Due to this" neglects the truth, withdrawal directed by Licensing Services' application procedure was not followed, no notice displayed on Watson Terrace frontage (car park access)
2. "New conditions" neglects the truth, these were imposed by Police and Public Protection Services who required deletion of licensable activities for more than 500, and licensing to members of public

Due to this we have withdrawn our current application and have reapplied for the licence under new conditions, taking into account all of the information provided in the objection². letters. We appreciate that some of the terms on our previous application were not at all necessary and we understand how it could cause serious concern. We hope that the terms of our new application will be well received by our local residents.

3. Intention... certain type of clientele : what does this mean? with a £2M investment to cover ... already advertising a discounted rate on website www.newholgate.com
4. "strict policies" - not attached with the letter- I was promised copies but have not received anything

We are very keen to work in partnership with our local residents & businesses to offer a service which not only our hotel guests can enjoy, but our local residents too. It is our intention to create a venue that attracts a certain type of clientele³ which will appreciate the services we intend to offer. We already have strict policies in place⁴ to protect our local residents from potential disruption. However having said this, we would like to welcome you all to contact us directly to discuss any concerns you have, to ensure we can rectify any causes for concern before we open⁵. You will find our contact details at the end of this letter.

5. 24 April opening delayed to 1 June (see website), bookings have been taken for the end of June, dogs welcome (dog toilet? noise?)
6. "At the date of this letter, agreed conditions limited custom to hotel residents and bona fide guests - after negotiation this condition has been lifted with no explanation or apparent operational change

Although we do not intend to limit our custom to hotel guests & St Pauls Sq residents only, we respect concerns regarding this decision⁶. We are aware that our car parking facilities are limited, but we would like to offer our services to passers-by and other residents of our City. We believe by opening our services to a wider audience, we will be able to provide more than 15 new jobs & greater job security for our team. In addition to this, we will be supporting our local suppliers.

7. Acknowledged "limited parking facilities", with no strategy
To be further stretched by 15 new employees and members of the public and "bona fide guests" of residents.....
The Hotel falls in our R60C zone and can access parking permits and (waiting to hear from Parking Services) visitors day permits?

As well as supporting our own suppliers, we have every intention of supporting other businesses in the local area too, such as our traditional local pub; The Volunteer Arms. As we are not intending to offer a traditional style "bar" with draught beers & hand pulls, we hope that many of our guests will use our local pub as an alternative to the style of services we will be offering. We will be encouraging the use of the pub to all of our guests along with other local businesses.

In particular regards to noise pollution, we are putting into place a strict policy around noise⁸ in our garden, which will be carefully monitored on a daily basis. Upon closing of the garden we will be directing our visitors out and ask them⁹ to keep noise levels low as they exit.

8. "strict policy" not attached - requested and not received
9. "ask" is not a strict policy, this was deemed insufficient in the St George's Hotel application

In regards to the concerns around "gaming stations" we believe this may have been misunderstood. Our gaming stations will be for childrens only. If we do go ahead with this idea, the gaming stations will be things such as Xbox & Playstation consoles for children to use whilst their parents relax and enjoy a meal. We do not intend to provide any method of gambling within our premises under any circumstances.

In regards to traffic concerns, we are taking the following measures:

10. "strongly encouraging" is not a policy and largely ineffective; directing traffic via Watson Street just moves the problem to the council housing and constricted access point

11. SatNav will not heed "strong encouragement" from the Hotel

- We are putting together information for all of our guests which they will receive upon booking a stay with us. This information will give detailed instructions of how to access the hotel car park. We will be strongly encouraging¹⁰ all guests & suppliers to use the Watson Street/Watson Terrace access point rather than the St Pauls Sq¹¹ access point. We hope that¹² by doing this we will not increase the number of vehicles in and around St Pauls Sq which will reduce any potential disruption.

12. "we hope" not a policy and totally ineffective

- Furthermore we will be inviting¹³ the parents of children at St Paul's School to use our car park during pick up/drop off times which we hope¹⁴ will also reduce the amount of traffic & idling in the area.

13. "we will be inviting" The School declined an offer by the Hotel for parents to park in their car park, as it goes against School policy to discourage arrival at school by car

14. "hope" - not a policy

- In conjunction with these measures we will also be ensuring¹⁵ all taxi's pick up & drop off guests at the front of the hotel, rather than the rear.

15. "ensuring" - not a strict policy, and traffic hazard

The front of the B&B/hotel is exclusively double yellow, pedestrian crossing zone and a small zone of R60C residents/90 minutes waiting (usually full) - dropping off on the double yellow/crossing zones would be a risk to Public Safety; there is already disruption to residents of Watson Street by taxis picking up and dropping off outside the pub

We would also like to address the concerns about the environmental impact our new business may have on the local community, and so we would like to take this opportunity to inform you all about our sustainability mission:

- We are on a mission to become a carbon neutral business by 2025. Sustainability is at the heart of everything we are doing to create this luxury establishment for our guests & local community to enjoy.
- All of our food & drinks will be locally sourced to the best of our ability. At present, our product with the highest food miles our eggs, which come from just 17 miles away in the Howardian Hills.
- We are using eco-friendly cleaning products to minimise the harm to the environment.
- We are in the process of planting 5 oak trees in York to offset the carbon footprint of our refurbishment, and we have plans to plant many more in the years to come.
- We are choosing our suppliers very carefully based on their own sustainability missions and objectives.
- We intend to have electric car charging stations¹⁶ in our car park.

16. Planning permission required for Conservation Areas / Listed buildings <https://www.planningportal.co.uk/permission/common-projects/electric-vehicle-charging/planning-permission>

- We intend to offer a pick up & drop off service to our guests from the train station in an electric vehicle, to reduce the amount of cars and taxis coming in & out of the local area.

17. "offer" is not a strict policy - disincentive of cost and inconvenience of train (connections, time, luggage)
18. "reduce amount of cars and taxis": traffic into and out of area will be same

- All of our suppliers for our locally sourced food & drinks, down to our staff uniforms and toiletries will be carefully chosen to ensure our goal of becoming carbon neutral by 2025 is entirely achievable.

We welcome any suggestions which will help us meet this target.

As previously mentioned, we would be delighted to welcome you all to contact us directly about any concerns you may have, or any suggestions you have for us to ensure we are putting our local residents' concerns at the forefront of everything we do.

19. The owner published in press in March that local residents would be invited to view the hotel ...this didnt happen

Our contact details are as follows (if you would prefer to speak over the phone, please send an email and we will get back to you with a contact number):

Nick Bradley (Owner/Director):
Email – nick@newholgate.com

20.
Daisy Dyrdal-Mortimer (Operations Manager):
Email – daisy@newholgate.com

20. Daisy obtained in January 2023 her personal alcohol licence to act as Designated Premises Supervisor, with a background in hotel cleaning services

Kindest regards,

The Team at New Holgate

City of York Council

Committee Minutes

1 enter highlighted comments into the procdure

Meeting Licensing/Gambling Hearing

Date 1 February 2021

Present Councillors Mason, Melly and Norman

34. Chair

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

35. Introductions

The Chair introduced those participating in the hearing: Members of the Sub-Committee, the Applicant, the Barrister representing local residents and his witness, the resident representing himself, the Public Protection officer, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser to the Sub-Committee, the Democratic Services officer, and the Litigation Solicitor who was shadowing the Legal Adviser.

36. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests; and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared.

37. Exclusion of Press and Public

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

38.

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)

Members considered an application by Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York YO24 1DR.

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

- The Prevention of Public Nuisance
- The Protection of Children from Harm

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

1. The application form.
 2. The papers before it.
 3. The additional plans submitted by Mr Bryce before the hearing.
 4. The Licensing Manager's report and her comments at the hearing. The Licensing Manager outlined the report and the annexes, noting that the premises were not located in the Cumulative Impact Area and that consultation had been carried out correctly. She highlighted the additional conditions agreed with North Yorkshire Police in Annex 3 and the objections of Public Protection in Annex 4, confirming that the Police did not oppose the application. She acknowledged the additional information published in the Agenda supplement and the plans submitted by Mr Bryce. Finally, she advised the Sub Committee of the options open to them in determining the application.
- In response to questions from Counsel for the residents, the Licensing Manager confirmed that the Applicant had a personal licence. She said she had no knowledge of the premises prior to the application and agreed that details of

operating hours for service of alcohol were not provided in the Applicant's plan at page 33 of the papers. In response to questions from Mr Bryce, she confirmed that it was not a requirement for licensed premises to have a bar, and that the application was for a licence to cover both the garden and the whole hotel.

5. The representations made at the hearing by yourself (henceforth referred to as the Applicant).

The Applicant stated that his intention was not to open a beer garden or bar available to the general public. His application was a direct response to the problems caused by Covid-19, in particular the need to provide safe spaces to meet and eat. The main objective was to enhance the service provided to guests of the hotel, and extend it to local residents and anyone else who wanted a safe dining experience. He also wanted to help his business survive and to protect jobs. He regretted that, due to shielding, he had been unable to hold meetings with local residents and respond to their concerns in person. However, he had been available on the phone and the only resident who had contacted him was in favour of the proposals.

The Applicant further stated that the glass pods he intended to install had a maximum capacity of six people. They were self-contained, weather-proof and made of high-quality materials. They would be available to pre-booked diners only, and alcohol would be served only with a meal. Bookings would not be accepted from stag and hen parties and never had been. Neither would bookings be taken from parties of more than six people. Only hotel guests and pre-booked diners would be admitted to the garden. Racegoers would not be excluded from booking to dine. Off sales were included in the application to enable diners to purchase a bottle of wine to take away with them.

no conditions proposed!
similar - not as invasive as sp. ceilings

similar

no such condition to limit alcohol to diners - more like a site

no CCTV system on site - make bridge & pillars

no satisfactory parking policy

considered too restrictive - He to open after by security even more restricted hours not acceptable

construction of concrete platforms on that basis. Having later been informed that the platforms did require consent, he had since submitted a planning application.

With reference to the operating schedule, the Applicant said he did not anticipate any increase in alcohol-induced anti-social behaviour or crime, since alcohol would be sold only to customers eating on the premises. There would be two fully-trained members of staff on site at all times and he would be happy to meet regularly with ward members and residents to ensure that their experience [of the operation] was a positive one. He took fire safety very seriously and would comply with all requirements in respect of fire exit markings and appliances. The 'fire pit' would be purely decorative, consisting of a raised steel bowl 2m wide, containing a burner occupying less than half that diameter. In respect of safe service of alcohol, he would comply fully with all police requirements and had consulted a professional adviser with regard to CCTV. All staff were trained in the Licensing Act objectives and would apply an age verification policy and keep the required records. Alcohol would not be sold late at night and customers would be reminded, in correspondence and by notices at the premises, to respect the residential area. Out of hours security was provided by a night manager who lived less than 10 minutes from the premises and received alerts from the on-site CCTV cameras. The pods were lockable, and the garden would be fenced off and locked. There were 2m high walls on two sides of the garden.

The Applicant said he did not think that the development would cause significant extra traffic. There were 7 parking spaces on site for hotel guests; other customers would be directed to parking on Knavesmire Road. Neither did he anticipate any noise nuisance. He had carried out tests using decibel meters, which indicated that noise levels from the pods would be no higher than background levels. There were no facilities for playing music and the premises would not be open late at night. There would be no deliveries before 9am; refuse was collected once per month. There would be no service of takeaway food to create litter. The dining area was at the rear of the premises, and there would be no street drinking.

no evidence of raising of noise (other than DPs) and no previous experience

these noise considerations - from H.S. apply court

Unaccompanied children were not allowed on the premises and the garden was not visible from the street.

In response to questions from the Public Protection officer, the Applicant said he had carried out the sound tests himself using an Iphone app, by playing music quite loudly in one pod and measuring the sound level from a distance of 2m. He agreed that this did not amount to scientific data or a professional assessment.

In response to questions from Counsel for the residents, the Applicant stated that:

- He also intended to serve alcohol in the dining room inside the hotel, which currently seated a maximum of 16 people, and would agree not to exceed this capacity should the application be granted.
- He did not intend to apply the 9:30 pm time limit to hotel guests dining indoors and had not anticipated other customers dining indoors with guests.
- The pizza oven would be a mobile unit and would be subject to the same operating hours as the pods.
- He and his staff would use their judgement in deciding the ratio of food to alcoholic drink to be accepted in a customer's order.
- There would be a minimum of 2 members of staff on duty and serving customers during operating hours; orders would be taken via an app. There would also be a 'restaurant manager' not involved in serving or cooking food.
- The application was not time-limited, and he intended to continue the operation post-Covid.
- The exact location of the smoking area had not been decided, but it would be in the car parking area at the back of the hotel; this area abutted the boundary fence of 4 St George's Place. It would be covered by CCTV but not subject to controlled hours, as the garden area would be closed to non-guests outside operating hours.
- He followed the risk assessment guidance, but as a non-lawyer was not familiar with the reference to Section 182.

In response to questions from Mr Bryce, the Applicant stated that the plan at page 33 of the papers was of the footprint of the hotel. He said there was no reason why he

still not persuasive

in this case (H/S) no proposal to (want alcohol or make to food)

similar to H/S - about boundary of 1-7 Watson Terrace

compulsory conditions offered by the council

had not submitted a clearer plan of the basement. The room to the left of the dining room on the plan was a guest bedroom. There was no bar in the hotel, and only one dining room.

similar

In response to questions from members of the Subcommittee, the Applicant confirmed that he would be content to remove the additional hours applied for on Christmas Eve and New Year's Eve, substituting a finish time of 9pm on Christmas Eve, and accept a condition to limit service of alcohol to table service only. He said that the menu for food service was 'evolving', but he was expecting to serve proper 3-course meals of a Mediterranean type, including pasta, salads, antipasti and desserts, not just pizza.

not persuasive

In response to a question from the Legal Adviser, the Applicant agreed that it would be possible for customers to play music inside the pods on their own devices.

[At this point there was discussion between the Legal Adviser and Counsel as to whether music on licensed premises before 11pm could be conditioned from the outset or only on review of the licence.]

there is no issue on music in H/S outside space, that being a non-licensed activity

Finally, the Licensing Manager asked the Applicant to clarify what was shown on the plan at page 33 of the papers. The Applicant confirmed that it was intended to show every floor, including the basement. The area marked 'dining room' was meant to be the on ground floor. He said the plan was a mistake, a terrible plan, and that it was not his intention to licence the basement. The Licensing Manager confirmed that, since the application did not cover the basement and other plans of the ground floor had been submitted, she had no further concerns.

The representations made at the hearing by Michael Gollightly, City of York Council Public Protection.

Mr Gollightly stated that the application was for the premises to operate from 11:00 am to 11:00 pm, 7 days per week, in a quiet residential area. Each of the 8 pods could contain up to 8 people (or 6 as the Applicant now stated), and the external area could accommodate more. Although further conditions had been offered by the

still not persuasive, all 24 hours and 100% open outside

Applicant, these had either not been formally agreed or were not sufficiently robust. As the application stood, there could be a bar outside. There was also some confusion around who would use the pods. Customers could include racegoers, in which case stringent conditions would be needed. The sound tests had not been carried out by a qualified technician and no details were available in respect of reverberation, background noise levels, the cumulative impact of noise from all the pods in use simultaneously, or sound insulation. The conditions agreed were insufficient to control noise from licensable activities. Public Protection therefore recommended that the application be refused on the grounds of public nuisance unless the issue of conditions could be resolved.

In response to questions from the Applicant, Mr Golightly explained that admitting racegoers to the premises would increase the risk of anti-social behaviour and noise, which meant that door staff would normally be required on race days. Taking pre-bookings and serving alcohol only with meals would help, but more precise details on the handling of bookings would be required in order to mitigate the risk.

In response to questions from Counsel for the residents, Mr Golightly said he could not think of any premises operating in a similar way in a residential area in York and confirmed that there were no other licensed premises close to the application site. He agreed that to site a smoking area beneath a child's bedroom window would be poor management, though in public protection terms this was about the noise rather than the smoke. He confirmed that disturbed sleep was relevant to public protection, but light was less of an issue because it could be controlled, e.g. by putting up curtains. He agreed that kitchen smells could be a statutory nuisance and that exposure to bad language was relevant to the protection of children from harm. He could not comment on the frequency of rubbish collection, but agreed that businesses should plan for the collection of commercial waste. He agreed that the impact of Air B&B premises in a residential area could be significant if they were not well managed, and said there had been an increase in complaints about such premises in York.

In response to questions from Mr Bryce, Mr Golightly stated that noise inside adjacent buildings was not a concern from a licensing point of view where there was no regulated entertainment or music. In preparing his representations he had only examined the external area.

In response to questions from members of the Sub-Committee, Mr Golightly stated that it might be possible to mitigate the public protection risks if the application were significantly altered. However, there was still a risk it could introduce noise into an area where noise did not currently exist. He said he had not had time to discuss conditions with the Applicant over the Christmas period. However, he had doubts as to whether the premises were suitable for this type of operation. The location of the pizza oven was a further concern, since even an external location could be a risk. He agreed that the Applicant should have submitted a planning application for a change of use before applying for a premises licence. He confirmed that no noise complaints had been received about the premises as it currently operated. However, once the whole premises was licensed, there could potentially be a bar in any of the rooms. He agreed that it would not be possible to agree conditions to mitigate the risks at this hearing.

7. The representations made at the hearing by Leo Charalambides, Counsel for a number of residents of St George's Place and Moorpath Avenue.

Mr Charalambides stated that it was important to focus on what the application was for - an outdoor food and drink-led development in a hitherto darkened garden within a cul-de-sac, in an entirely residential area. With up to 48 customers in the pods and some outside them, plus staff and hotel guests, there could be a significant number of people in the area at any one time. The Public Protection officer had been unable to give an example of a similar operation in York. The Sub-Committee was being asked to authorise the use of a garden as a restaurant or bar; however, this was a planning issue. On that basis alone, the Applicant should be required to obtain planning permission before seeking a licence.

Mr Charalambides submitted that the application was not a response to Covid as stated by the Applicant, but about a long-term investment in an unauthorised restaurant / bar. The application was 'ill thought out and irresponsible' in the context of the Licensing Act guidance and the Council's statement of licensing policy. The residents had taken the time and trouble to make representations, hold meetings and instruct Counsel, and they should be listened to. Paragraph 9.38 of the guidance made it clear that the 'overall interests of the local community' were a relevant consideration, while commercial interests were not. The Applicant had failed to comply with his basic responsibilities, including the requirement to submit 'clear and legible' plans.

Mr Charalambides said he was chilled by the Applicant's response to the Sub-Committee that the menu was 'evolving', concerned that he had started building before engaging with the planning process, and shocked that the police had agreed conditions. He had asked the police to attend the hearing but they were not available. He stated that the Applicant had failed to undertake the local enquiries and risk assessments required by the Licensing Act guidance, including risks associated with the smoking area, cooking, race days, and people loitering outside the premises. The Applicant's responses to questions indicated that he had not thought this through and was unfamiliar with the guidance.

Mr Charalambides drew attention to:

- The statements of the residents, and in particular their references to break-ins at the premises;
- The issue of preserving privacy and data protection in the glass pods and how this would be addressed;
- The protection of children from harm - which harm, under paragraph 222 of the guidance, could include bad language and limiting children's enjoyment of their own gardens;
- The lack of parking facilities and information on where and how parties of diners would be organised, and potential public nuisance resulting from this.

He urged the Sub-Committee, even just on these few examples, to reject the application.

Cllr Crawshaw, Ward Member for Micklegate, was called as a witness. He confirmed that St George Place was a quiet residential street in his ward, with a small supported-living area at the top of the street and larger houses towards the bottom. There had been no complaints about noise in the area until last year, when he started to receive reports that racegoers congregating at Knavesmire Gates were causing problems. This was about 100m from the entrance to St George Place. One of the biggest problems he had to deal with as a ward councillor was the noise from small groups of 3-5 people sitting drinking on the wall at Little Knavesmire, which sounded more like 20-40 people and carried as far as Albermarle Road. There were also issues with Air B&B premises on The Mount. People would tolerate occasional noise from their neighbours but noise from commercial premises on a regular basis would often become a problem. He and his fellow ward member Cllr Kilbane had been contacted by a significant number of residents and he was disappointed that the Applicant had not contacted ward members. In his own experience with music venues, complaints usually related to the smoking and external areas. He considered that this was the wrong idea for the area and would be disastrous for St George Place and Moorgarth.

The following residents represented by Mr Charalambides were then called to comment individually:

- Mark and Helen (Representor 18) said that noise, disturbance and pollution from the premises would affect their enjoyment of their garden, their children's health and ability to sleep and also their privacy, as it was possible to see into the family's bedrooms and dining room from the pods.
- Derek (Representor 15) said that noise would be a significant issue for him and his family, as they lived close to the premises and all, including their young son, slept at the rear of the house. Their use of their own garden would also be affected.
- Rebecca (Representor 14) said that having over 40 people in the garden of the premises would have a huge impact in terms of noise; this would affect her children who were doing university work at home and was inappropriate for the area.

- Sean (Representor 11) pointed out that the premises were in a conservation area and said that the noise was bound to carry, as there was a clear line of site down a line of domestic back gardens to the pods, and the operation would disrupt the residential character of the area.

In response to questions from the Applicant as to how he could allay residents' concerns, Mr Charalambides advised that he should start the process again from the beginning by completing the application properly, providing an operating schedule that addressed the licensing objectives and then engaging with the responsible authorities and the residents. The additional documents he had submitted were an attempt to engage retrospectively, contained inconsistencies, were unclear, and did not begin to address the concerns raised.

In response to questions from members of the Sub-Committee, Mr Charalambides acknowledged that the police had agreed the operating schedule and the Applicant had offered earlier closing times, but said it was local residents who were the experts on crime in their area. Already there had been an increase in crime and disorder, with break-ins at the premises, and drug users and anti-social behaviour in the wooded area nearby. Although there were no specific problems associated with the current bed and breakfast operation, the application was likely to exacerbate certain types of disorder in the area, including those associated with the racecourse. He called on Cllr Crawshaw to expand upon this.

Cllr Crawshaw explained that on race days up to 40,000 people attended the racecourse, resulting in a significant number of anti-social behaviour incidents. Ward members held meetings with residents at the start and end of every season and their complaints greatly exceeded the incidents officially recorded by the police. There had already been an increase in problems at the Knavesmire gates and this application would provide a further focus for anti-social behaviour, drawing it further up St George Place. Noise travelled further than most people realised.

In response to further questions from the Sub-Committee:

8.

- Mr Charalambides stated that the hearing was for members to make decisions in the interests of the local community.
- Cllr Crawshaw said he had not objected to the application because he had misunderstood that part of the Licensing process; it was a mistake on his part.

The representations made at the hearing by Anthony Bryce, a local resident.

Mr Bryce supported the submissions made by Counsel for the Applicant. He added that he found it hard to believe that the basement would not be used for any purpose and stated that there was the potential to modify the premises over time and for the basement to be used by drinkers. This would increase capacity, attract more people to the premises and exacerbate the problems it would cause.

The Representors and the Applicant were each then given the opportunity to sum up.

The Public Protection officer summed up. He said that the application had been submitted over Christmas and he had not had much time to consider it. However, nothing he had heard today had allayed his concerns about noise nuisance; in fact it had caused additional concerns. This was a highly residential area, and the premises were overlooked by gardens and dwellings. No professional sound tests had been carried out on the pods. It was not clear that any achievable conditions could be attached in order to prevent noise. He therefore advised that the application be refused on the grounds of public protection and protection of children from harm.

Counsel for the residents summed up. He said it was clear that the Applicant had not considered the nature of the location and the character of the area. The application was changing and evolving to suit the questions being asked. The Public Protection officer had said that he had extra concerns, and Paragraph 9.12 of the guidance stated that particular regard should be taken of evidence from an expert. Members were looking at a proposal to develop a bed & breakfast operation in an entirely residential area into what was effectively a stand-alone

glass restaurant and bar in a residential garden. This was simply not suitable for the area, and he urged them to reject the application.

Mr Bryce summed up. He stated that this was an ill thought-out and opportunistic plan to exploit the premises for financial gain. He said that the Applicant was not interested in its effect on the neighbourhood because he lived away from the area. Residents would suffer visual and aural detriment and loss of parking space. If granted, the application would set a dangerous precedent. The Applicant had no experience of running licensed premises, had shown a lack of involvement, had avoided submitting accurate plans with clear details, and could not be relied on to comply with conditions.

The Applicant summed up. He thanked everyone for their involvement and said he had listened carefully to the objections and taken them on board, especially the comments about noise and disruption to amenity. He stated that this was not a profit-motivated endeavour but an attempt to diversify and provide something unique to encourage people to visit and ensure the success of the guest house business. He wanted to take on new employees as well as retain current staff. He appreciated that the objections were based on a 'worst case scenario' and would be happy to curtail his opening hours, including not opening in the evenings on Sundays to Tuesdays if that would help. He would also be happy to limit the number of customers in the garden to 24. He did not think that the restaurant would draw racegoers up to St George Place, as he was not offering a bar and there was no seating in the garden area (except the pods). His purpose was to provide safe, comfortable, warm private dining areas and he would not seek to attract the type of customer who would detract from that atmosphere. He accepted that the original application had not been detailed, but said he had subsequently submitted very detailed operating principles.

The following points of clarification were provided:

- On the issue of imposing conditions on music that was not a licensable activity, as discussed earlier, the Legal Adviser and Counsel for the residents

confirmed that they had not changed their positions; however, the latter agreed that this was a grey area.

- Members agreed that they could consider conditions relating to the number of customers permitted in the garden area, the areas to be licensed, the operating hours, and table service of alcohol with a substantial meal.

- The Applicant confirmed that he would agree to any conditions that would make his objective for customers to enjoy a meal in safety and comfort work. If alcohol could only be served indoors, this may be a problem.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **rejected**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Reject the application. This option was **approved**.

Resolved:

That the application for a premises licence for St George Hotel, 6 St George Place, York YO24 1DR be rejected.

Reasons:

(i) The Sub-Committee noted that no representation had been received from the Police, having agreed additional conditions with the Applicant prior to the hearing. The Sub-Committee further noted the submissions from Mr Charalambides, that he had invited the Police to attend the hearing, but they had been unable to do so due to other diary commitments.

(ii) The Sub-Committee considered the evidence of the Applicant, in particular the additional information he provided about his proposed business, and operating hours, and noted that he accepted that his application had not been adequate that there were no complaints linked to the current business, and he had submitted further information in support of his application. However the Sub-Committee were concerned that it remained unclear how / where the Applicant intended elements of his new business to be conducted / operate on the premises, the plans submitted by the Applicant were not sufficiently clear, the business model was not sufficiently developed, the requirements / impact of planning consent on his intended business model was not known, the Applicant had prepared insufficient risk assessments, there was no certainty about how the glass pods would be used, e.g. would the occupants be enclosed at all times or would windows / doors remain open, and no professional noise assessment had taken place. All of which reflected to the Sub-Committee that the application was ill-prepared, and lacking in detail, such that they did not have confidence that the Licensing Objectives would be upheld.

I have invited the Environmental Health Officer to assess and explain the reason for refusing services to members of the public but he has declined

In this case, here is no proposed sound or sight evidence!

(iii) The Sub-Committee considered the evidence of the Public Protection officer carried great weight, in particular the lack of professional sound tests, insufficient risk assessments and preparation conducted by the Applicant, such that he was not satisfied

that any achievable conditions could be attached to the licence to satisfy his concerns. The Sub-Committee noted that in his summary to them Mr Golightly stated he had greater concerns about the application after hearing the evidence during the hearing.

(iv) The Sub-Committee considered that the evidence of both Mr Charalambides on behalf of a number of local residents, and Mr Bryce himself a local resident. They noted that the Premises is located in an entirely residential area of the city, specifically in a cul-de-sac, within a conservation area. That there is no similar licensed premises in the city. They also noted the evidence that complaints were not always made to the Police by local residents, and noise complaints had been received in other areas close to the Applicant's premises linked to groups gathering outdoors in smaller numbers to those expected by the Applicant in the premises garden area. The Sub-Committee noted that the Applicant had not conducted any meaningful engagement with the local residents or ward councillors prior to submitting his application.

I request that the evidence collected by the reviewer be reviewed and reviewed and reviewed

Cliff A Mason, Chair
[The meeting started at 10:10 am and finished at 2:50 pm].

Contents

A practical guide to making representations to a licensing authority

Public Health England

Contents

1. Awareness of the tests involved
2. Effective representations and relevant evidence
3. Partnership and engagement
4. Monitoring and review

This guidance forms part of the resources in [Alcohol licensing: a guide for public health teams \(https://www.gov.uk/guidance/alcohol-licensing-a-guide-for-public-health-teams\)](https://www.gov.uk/guidance/alcohol-licensing-a-guide-for-public-health-teams) and is best read alongside the rest of the resources to give added context and guidance.

This is a guide to help all responsible authorities (RAs) to:

- identify the applications that may have a negative impact on the promotion of the licensing objectives
- apply a stepped approach to making a representation

This is not just about refusing licenses, but also how conditions put on the licence can help applicants to promote the licensing objectives and ensure their premises are well run.

Some of the points below may be more relevant to specific RAs, but you should consider all the points in this document.

RAs should apply this within the context of their local area. Each RA will have different priorities, and understanding these priorities provides a useful framework for determining whether to make relevant representations.

For more information on the role of RAs see chapter 9 (determining applications) of the latest [section 182 of the Licensing Act 2003 guidance \(https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003\)](https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003).

1. Awareness of the tests involved

The licensing regime has a clear focus on promoting the 4 statutory licensing objectives, which the Licensing Act outlines as:

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

Each new application, or variation of an existing licence or club premises certificate, must assess the likely effects that granting the application will have on the promotion of the licensing objectives. This is a 'prospective consideration'^[footnote 1], which aims to prevent adverse consequences from operating the premises. You should make the consideration based on the likely impact on the licensing objectives. This test should also apply if you're reviewing an existing licence or club premises certificate.

Not every application will need a response from every RA. Instead, RAs should identify the types of applications that could cause problems and undermine the promotion of the licensing objectives and apply this information accordingly. In each case, you should consider the relevance to and likely effects on the licensing

objectives of the particular premises in the particular location, being used in the particular way. You must consider each application on its own merit.

2. Effective representations and relevant evidence

All RAs can be involved in the application, and they will probably approach it from their specific point of view. For example, the police are likely to focus on crime and disorder. But all RAs can object on the grounds of any of the 4 licensing objectives, and public health teams should consider this when reviewing this information.

The following guide is a practical approach to evidence and representations to help all parties participate effectively in the process.

2.1 Premises

Where known, set out the proposed or actual operation of the premises. The 'operation' of a premises is wider than the licensable activities. For example, licensable activities operating in a restaurant differ to those operating from a small off-licence or late-night club.

The size and capacity of the premises will also have an impact on the surrounding environment.

Consider the effects and impact of this on the licensing objectives by asking:

- what are they going to be doing?
- is there a refusals book?
- what is the premises' capacity and how will it be managed?
- what is the history of the premises' operation before the application was made?
- what is the likely customer base and audience profile?

Consider whether the premises have a responsible approach towards alcohol sales, for example:

- do they have adequate staff training?
- do they have a robust age verification policy in place, such as [Challenge 21](https://beera.ndpub.com/campaigns/challenge-21/) (<https://beera.ndpub.com/campaigns/challenge-21/>)?
- are they planning irresponsible price promotions?
- do they have suitable entry policies if it's an on-licensed premises?

All the questions should try to find out how, and in what way, the premises will operate.

The nature and scope of the operation are crucial to assessing:

- the likely effects

- the actual effects
- the relevance to the licensing objectives

Remember that the operation can change during each day, week, month and year. If you do not know the operation or it's unclear, say so and reserve your position so you can comment once the operation and use of the premises is clear to you. You must do this within the consultation period.

2.2 People

The people owning or running the premises are ultimately responsible for adhering to the licensing conditions and promoting licensing objectives.

Do you know the people who make the decisions that matter and control the premises and the staff? This could include:

- managers
- the designated premises supervisor
- other staff
- independent contractors (like [Security Industry Authority](https://www.sia.homeoffice.gov.uk/Pages/home.aspx) (<https://www.sia.homeoffice.gov.uk/Pages/home.aspx>) staff)

Unless the application is for a new licence, the police are the only authority able to object to a change of designated premises supervisor (DPS), and only if they believe the change would undermine the prevention of crime objective.

In most cases, it's not possible to know all the various people and staff who will be responsible for the day-to-day running of the premises, as the only named requirements are the premises' licence holder and the DPS.

Are the various people and staff involved able to meet their commitments? If you have confidence in them, say so. If not, say so and explain why not. If you do not know, say so and reserve your position, so you can comment once the control, management, and staff of the premises are clear to you.

Also, consider how the applicant could demonstrate they can meet their commitments, and what sort of measures or conditions, like training, they could put in place to help them meet their commitments.

2.3 Physical characteristics of the premises

The physical characteristics of the premises can affect how they stick to the licensing conditions and the promotion of the licensing objectives.

If you have the opportunity, go and visit the premises, if only from the outside. Describe what you see. For example, a nightclub in a single-glazed listed building might be noisy and disturb neighbouring homes or flats. Premises with an outdoor space for eating, drinking or smoking will have an impact on things such as noise or litter. Visit and say what you see.

While visiting the premises, look at the local area and note what else is in the area. What other premises, facilities or features are near the premises? Briefly describe the surrounding area. Provide a plan if it helps. For example:

- what are the neighbouring premises?
- are there any premises, locations or uses that concern you?
- what are the transport facilities, open spaces, places where children might congregate, other entertainment facilities or known crime location hot spots?
- what are the operating times of nearby premises relative to the premises involved in the application?

Focus on what the issue is, and why it's an issue. If you identify concerns about the application, can you recommend appropriate changes to the premises that would help improve or reduce issues to the promotion of the licensing objectives?

2.4 Policies and local initiatives

It is crucial that you reference any relevant policy considerations, either from section 182 guidance or the local statement of licensing policy. You can also consider including relevant case law

(<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>).

Is there a cumulative impact policy in place in that area? If yes, questions to consider include:

- what impact will the premises have and is it a similar application to what's already operating in the area?
- could this impact on the licensing objectives?
- does it offer an alternative to what already exists and help to diversify the area?

Are you aware of any local initiatives that are happening in the area? For example, policing and licensing initiatives (such as Reducing the strength campaign

(<https://www.local.gov.uk/sites/default/files/documents/reducing-strength-guidanc-795.pdf>)

and Pubwatch (<http://www.nationalpubwatch.org.uk/>), voluntary initiatives (such as Street Pastors (<https://www.streetpastors.org/>)) or better regulation schemes (such as Business Improvement Districts (<https://www.gov.uk/guidance/business-improvement-districts>), Best Bar None (<http://bbnuk.com/>) or Purple Flag (<https://www.atcm.org/purple-flag>)).

2.5 Local concerns

What are the local concerns? Data might help show these concerns, which could include:

- crime statistics
- local authority complaints data (like licensing or noise nuisance complaints)
- enforcement action taken by the RA, including test purchase results

- concerns from the local anti-social behaviour teams, or community drug and alcohol teams
- data on ambulance call-outs
- alcohol and late-night-related hospital admissions
- depravation data, particularly those linked to licensable activities such as child and young person alcohol use, street drinkers or proliferation of off-sales in areas of deprivation
- data collected by primary research such as concerns or views of the residents and business communities

Remember to only consider data and concerns that are local and relevant to the premises. You will rarely find child protection or alcohol consumption data useful when considering a restaurant, but you might find the data valuable for a convenience store near to a school, youth centre or sports field.

Data and concerns should be relevant to the promotion of the licensing objectives and preferably recent. You should not reference the data and concerns if the premises were closed at the time, or the premises were used as a landmark location to report incidents that occurred nearby. However, if it is a new application it may be appropriate to reference the data and concerns in an area close by if they are happening around the times the premises wish to operate.

2.6 Operating schedule

You should consider the proposed or existing operating schedule and management style of the premises.

Applicants must be clear in their operating schedules about the activities and times at which events would take place at the premises.

An applicant should consider what could have a negative effect on the licensing objectives and address these in the operating schedule. Chapter 8 of the [section 182 guidance \(https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003\)](https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003) outlines what an applicant should consider in their operating schedule.

Licensed premises often operate in difficult circumstances, and the licensing regime seeks to promote good and best practice to premises operators and RAs. The aim is not to prevent negative effects, but to regulate and respond to these in the best way to minimise them.

If you can balance the various factors and reach a conclusion about the likely effects or their relevance to the licensing objectives, do not be afraid to say so.

If you have concerns, can you address these with the operating schedule or further practical conditions that are in the direct capability of the premises? If further conditions are appropriate, you should say so.

You could suggest other appropriate conditions, that follow the guidelines in chapter 10 of the section 182 guidance (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>), and your licensing authority may have model conditions that you can change to fit the circumstances of the premises you are considering.

2.7 A balancing exercise

A decision to license a premises is a balancing exercise between equally valid but conflicting interests.

Following the above steps will help you identify the relevant factors to consider. As an RA, you are an expert in your field. What is your assessment of the balance? Make this assessment, let the licensing sub-committee know and do not be afraid to have an opinion. You should also be open to amending your opinion following discussion at the committee.

If there is not enough information for you to form an opinion, highlight your concerns and reserve your opinion until you have answers. The premises operator should mostly provide these answers.

3. Partnership and engagement

Depending on the nature of the application and local circumstances, it might be appropriate to talk to the applicant directly. A premises operator can also contact the RAs to further explain their position. If you need further clarification, ask for this information in your representation.

During the consultation phase, you can discuss any concerns with other RAs. They may have information that could help.

4. Monitoring and review

Once the committee has granted an application, you should work with other RAs to monitor the impact of the licence. If problems develop, RAs should work together under an agreed enforcement protocol or policy. This can lead, among other measures, to an application for a licence review or a prosecution, and equally, keep evidence of good and successful operations to help support further licence applications.

1. See R (on the application of East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant & Takeaway) (<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law#east-lindsey-district-council-v-abu-hanif>) [2016] EWHC 1265 (Admin), para [18].



Directorate of Place
West Offices
Station Rise
York
YO1 6GA

Tel: 01904 551553

Pippa Allen
1 St Pauls Square
York
YO24 4BD

Ext: 01904 553982
Email: Caroline.Osborne@york.gov.uk
Our Ref: 23/00252/LBUILH
Date: 5 April 2023

Dear Pippa Allen

Nature of Query: Unauthorised work to Listed Building
Location: Holgate Bridge Hotel 106 - 108 Holgate Road York
YO24 4BB

Your query about an alleged breach of planning control was received on 31 March 2023.

The Council's planning enforcement team will make an initial investigation of your complaint and provide an update within 1 month. However we are currently experiencing high volumes of enforcement complaints and it may take longer than usual to investigate your complaint. We will advise you of any significant action or developments relating to the case, or if the case is finalised or closed. We will provide an update every 3 months.

Details of how the team prioritise complaints can be found on the Council's website via the link below

<https://www.york.gov.uk/planning-advice-guidance/planningenforcement/1>

Please note that if the Council decides there is a case to be pursued, an enforcement investigation can often involve a lengthy formal process before it is satisfactorily resolved.

If you have any queries or would like to provide further evidence or information please contact the team on the email address provided quoting the above reference number. Although the team will not acknowledge or respond to further contact with evidence and information this will be included as part of their investigation so please do not worry if you do not hear from us immediately, we will continue to update you every 3 months.

Yours sincerely

Mrs Caroline Osborne
Enforcement Officer

071913	Charlotte Tyssen	Personal Licence	24/01/2023	Granted	accordance with the legislation
071919	Peng Wang	Personal Licence	20/01/2023	Granted	Granted in accordance with the legislation
071876	Aaron Bartely Yeates	Personal Licence	13/01/2023	Granted	Granted in accordance with the legislation
071882	Daisy Dyrdal-Mortimer	Personal Licence	12/01/2023	Granted	Granted in accordance with the legislation
232266	Ian Smith	Charitable Street Collection	11/01/2023	Granted	Granted in accordance with the legislation
232251	Ian Smith	Charitable Street	10/01/2023	Granted	Granted in

1 St Paul's Square
YORK
YO24 4BD

By hand to City of York Council Licensing Services

3 March 2023

Dear Sir/Madam

Representation regarding objection to Licence application by Holgate Bridge LTD, 106-108 Holgate Road, York, YO24 4BB

THIS REPRESENTATION RELATES TO the above licence application and objection to the Proposed Licensable Activities as set out in the display notice displayed on the external perimeter of the premises next to Holgate Road and as set out in the City of York Council Licensing Applications Register dated 28 February 2023.

The contents of my Representation emailed 3 March 2023 are incorporated herein by reference, and all comments therein are herewith relevant to and made in relation to objection to the Proposed Licensable Activities.

For the avoidance of doubt I object to:

Provision of regulated entertainment Mon – Sun 08:00 – 23:00:

Plays

Indoor sporting events

Live music

Performance of dance

Films

Boxing or wrestling

Recorded music – (typographical error)

Provision of late night refreshment Mon – Sun 00:00 – 24:00

Sale by retail of alcohol Mon – Sun 00:00 – 24:00

Supply of Alcohol (on and off the premises) Monday – Sunday 00:00 – 24:00

I object to the provision of any and all of these activities held outdoors, being outside the confines of the brick construction of the premises. Moreover I object to any and all of these activities held indoors, being inside the confines of the brick construction of the premises. Any such provision will cause disturbance, notably noise and light pollution, projected throughout the neighbourhood, and most notably to adjacent properties in both winter and significantly in summer months. Many residents work from home permanently or on set days in the week, as has become the norm since the start of the COVID pandemic. Daytime noise of daytime and late night refreshment custom, plays, dance and films, live and recorded music and sporting events any events including audience participation, applause etc will inconvenience employed and self-employed home-workers and may negatively impact their work and their job, case in point being myself.

Evening and night time noise resulting from any outdoor performance of these proposed entertainments will be damaging to the health of residents and will cause a statutory nuisance, interfering significantly with the right of residents to enjoy our own homes.

Evening and night time noise pollution and light pollution resulting from any outdoor performance of these proposed entertainments will be damaging to my health and will cause a statutory nuisance, interfering significantly with my right to enjoy my own home.

Moreover the Proposed Licensable Activities contravene City of York Council policies, notably the Noise Pollution policy, clean-air policy and the Light pollution policy. These extend to noise and light of the activity itself and noise, fumes and light of any vehicle traffic to and from the premises, including taxis, and noise of pedestrian traffic to and from the property. Notably the 36 cover garden area should be limited to residents only and curtailed as excessive for the provided parking, and as a further source of noise and light pollution. Government initiatives in 2020 to support outdoor dining were intended to make it safer for clientele

of indoor premises, and not specifically to create new dining opportunities where there were none and their creation is inappropriate and creates safety issues such as parking.

In recent summers we have experienced a party of some 10 or so from the York Races staying a weekend at the Hostel on the corner of Holgate Road and St Pauls Square, with partying outdoors until 10pm at night which caused extreme distress to residents all around St Pauls Square and generated multiple complaints. Even the innocuous taking of a regular evening drink by a group of 4 long term residents of the Holmwood House annex last summer on the pavement of Watson Terrace and directly opposite our front door and living and sleeping areas created a noise disturbance in the midst of the supreme quietness of the neighbourhood, which penetrated our existence for months, delightful and well intentioned as this group was.

The St Pauls Square community has established a Committee and community which tends and cares for and maintains the central garden and streets, and the maintenance of the properties within the Grade II listing status. To permit the establishment of what is effectively a night club in the midst of this Grade II listed neighbourhood is contrary in the extreme to the purpose of the Grade II listing.

Should the Licensing Services approve these Proposed Licensable Activities even in part, they will place the burden on the community and the residents of the neighbourhood of St Pauls, and most notably on myself as the closest residential owner-occupied resident to the premises, to take action in the event of disturbance. Even the act of taking action is distressing and contributes to damage to health, and causes a statutory nuisance, whether or not the disturbance is halted.

Moreover the Proposed Licensable Activities contravene City of York Council social housing practice, specifically the practice of locating social housing in quiet, clean, safe and trouble-free areas. As a result of much research, social housing is located away from city centre locations and from hazards which residents may not be able to manage such as 24 hour supply of alcohol and entertainment and events which could lead to disputes between members of the public, which has been shown to create an unsettling environment for the vulnerable.

This area has been established as a very successful location for social housing coexisting in great harmony with the owner-occupied and privately tenanted housing.

To permit or impose the proposed licensable activities to proceed in the community would be a gross error of judgement and lead to damage to health and livelihood of residents, a change in the owner-occupied resident profile and risk a reversion to the neglect, crime, alcohol and drug-abuse and prostitution of the late 1900's, and destruction of vulnerable lives of those who have so successfully benefited from social housing enterprises in this area.

Moreover the premises has private parking for only 10 – 13 vehicles. Whilst this may be satisfactory and sufficient for the number of guests that can be accommodated in the rooms in the premises, allowance must be made for staff parking for a 24 hour business servicing up to 22 resident guests and 66 covers in its dining room for up to 18, a 12-cover basement bar and room for 36 people in a garden area. For these purposes the available parking is not satisfactory and is insufficient for any additional visitors who may come for purpose of regulated entertainment or for sale or supply of alcohol or late night refreshment. Indeed it is already at times insufficient for the staff and guests alone.

Watson Terrace is an exclusively double yellow or "School Keep Clear" zone with the exception of the single yellow (8am to 6pm Mon-Sat) zone next to the St Pauls Square central garden. Should the Licensing Services approve these Proposed Licensable Activities even in part, they will place the burden on the community and the residents of the neighbourhood of St Pauls including myself to report unauthorised and/or hazardous parking and idling in the Residents permit zone, on the double yellow and single yellow zone, the school keep clear and clean-air zones. Moreover such extra traffic will raise the air pollution levels which are monitored. Specifically taxi waiting necessitated by the Proposed Licensable Activities will contravene the City of York Council anti-idling campaign. Moreover the single yellow section of Watson Terrace is to the opposite side of my house to the Holgate Bridge Hotel, and any parking on the single yellow zone late at night will create a disturbance of individuals passing directly beneath our bedrooms and of traffic driving past. This will cause damage to the health of my household and will cause a statutory nuisance, interfering significantly with our right to enjoy our own home late at night.

Moreover the applicant for the Licence, Mr Nick Bradley, who has recently purchased the Hotel which has been a quiet and successful business for many years, has put out press releases to the effect that "To be able to create something new for York is an opportunity that I haven't taken lightly. My team and I have thought really carefully about how we can be the space for the local residents to enjoy, just as much as the holiday makers. We're designing something warm, welcoming, exciting; the heart of Holgate." (The Caterer.com)

and "The applicant adds: "We seek to service only hotel guests and the local community." (The York Press).

We request that the applicant undertakes to service only hotel guests and local residents and not to attract or service people from outside the communities of Holgate and St Pauls. Offering a 24 hour alcohol licence on and off the premises and for non-residents of the hotel, which is one or very few if any of such 24 hour licences in the City of York, is tantamount to inviting the whole of the City of York to "the heart of Holgate" and the creation of a nightclub and hub for crime and antisocial behaviour. I do not wish to invite the City of York into our quiet safe community. My daughter becomes distressed any time an emergency vehicle or police patrol enters Watson Terrace, and fearfully insists every night on checking that doors and windows are safely locked. She becomes distressed at the sound of any passers-by late at night and is unable to sleep if there is any incident or escalation of noise in the street. This is not at all unusual to many children and adults as a direct result of COVID. To introduce these proposed licensable activities risks driving my daughter to greater and health-threatening anxiety and driving us from our home.

The applicant is suggesting that he is providing these Licensable Activities for the benefit of the local community. However the very suggestion that the local community, as described in detail in my Representation emailed on 3 March 2023, will wish to visit the Hotel between the hours of 23:00 and 08:00 is absurd, misinformed and insulting. We do not need 24 hour alcohol. This is not a student area, and it is not even the more salubrious Bootham.

The premises is located directly opposite the St Pauls Church of England Primary School and the proposed activities are totally inconsistent with that location, both endangering the safety of children and subjecting them to inappropriate activities! As shown in the photographs, the main pupils entrance is directly opposite the premises next to Watson Terrace, pupils gather and wait here and the licence application creates a risk that members of the outside community might loiter and be presented with opportunities to interfere with pupils. The Licensing services should ensure that the School has been informed and given an opportunity to risk assess the Proposed Licensable Activities, and ensure that no harm can come to the pupils.

We have chosen to live here and not in the vicinity of the University or Bootham for the fact that the heart of our community extends to largely resident-frequented Volunteer Arms and Fox Inn and is perfectly adequate and appropriate for the need of this community.

The applicant has seriously misjudged the lifestyles and wishes of the residents of the St Pauls neighbourhood. I submit that the applicant, to satisfy a business plan for the enterprise which he has newly acquired at great expense, intends to draw in custom from the York Races, and elsewhere in York, as indicated by invitations in his LinkedIn account, specifically to his business community acquaintances, and to fellow members of the institute of Directors, to whom he has already suggested that the York meetings be held at the Hotel, and most concerningly to the night-life of the city. I feel as though he has discovered the beauty of our home and is intent on exploiting it to outsiders for his own gain and to our detriment, damage to our health and causing statutory nuisance. There will be no net benefit to York from his activities or creation of new business, rather he plans to take custom from existing York establishments many of which are already under severe strain.

The location of the ST Pauls neighbourhood means that it is largely unnoticed by those who have no reason to visit. From experience with the quiet neighbourhood of the side street Driffield Terrace, the presence of the walk through to Acomb on Love Lane led directly to regular damage to vehicles and other crime and break ins. There is precedent for opening up quiet neighbourhoods in such a reckless and unregulated fashion.

Moreover the applicant endangers the viability of our existing Volunteer Arms and Fox Inn. I request that the Licensing Services do not further stress these, already burdened with rising costs and limited incomes of clientele.

The applicant has also in the Hotel announcement a month ago in his LinkedIn account here [\(29\) Post | Feed | LinkedIn](#) added "The next few weeks will see local residents invited in to view the hotel and meet the new team, as they prepare for the opening."

I and the community of St Pauls have not asked the applicant to create a heart for the area we call home. Moreover as the closest owner-occupied residential household, I have not received any such invitation to view the hotel and plans. The applicant has shown no interest in our household and its needs. Moreover I have not been consulted on the plans for a new heart for the neighbourhood which I call home. The applicant has shown total disregard for the wishes and concerns of myself and the residents of the immediate vicinity. The fact that he has not consulted us indicates that any future cooperation will be severely deficient.

There are 2 possible outcomes of this application. Firstly, the applicant and new owner of the Holgate Hotel will make a success of the Proposed Licensable Activities and will transform the Holgate Bridge Hotel into a busy and centre of night-life, bringing the inevitable noise, waste, crime, antisocial behaviour. This would be the destruction of this neighbourhood. This would destroy the heart of St Pauls in a desire to create a new heart for Holgate and wealth and prosperity for the applicant.

Alternatively the Proposed Licensable Activities will prove poorly researched and unsuccessful. In this knowledge the application should be refused outright rather than risk the applicant resorting to further licences and entertainments within and beyond the definition of the Proposed Licensable Activities to generate sufficient income to remain viable. For example, the Proposed Licensable Activities would encompass the establishment of a night-club. The nature of "provision of plays and films" has not been defined and would encompass adult entertainment shows and films. The applicant has already advertised a cinema to be provided on the premises.

All of this is highly incompatible with the positive influence of the adjacent St Pauls Anglican parish and church.

The applicant has also indicated that he will provide gaming stations "Overnight stays will range from £200 to £300, with options including double rooms, luxury suites and duplex family suites, with hot chocolate machines and gaming stations." (The Caterer.com). For this he will require at least the grant of a gambling premises licence for the provision of gaming machines in alcohol licensed premises. It is to be expected that the applicant will in the near future apply for such additional licence.

Whilst it is easy to assume that the applicant is well-intentioned, he should not be granted a licence which would permit activities which are not well-intentioned and have the potential to destroy lives and livelihoods.

I am a single self-employed patent attorney and together with my school age daughter we have lived here for 10 years. The night time and day time disturbance posed by the Proposed Licensable Activities will prejudice my earning, my daughter's learning and exam success and our health and safety. It risks destroying the market value of our home and limiting our options to relocate to a safer quieter neighbourhood such as our is and has been for decades.

CONCLUSION

I object in the strongest terms to any extension of the existing licensable activities.

I object to the Proposed licensable Activities.

I request an opportunity to interview should the Licensing Services be minded to allow this application or any part of it.

I request that the applicant be required to hold a public meeting and to meet with me individually should this application be maintained and before any allowance in whole or part.

I request that the Licensing Services visit the premises and the neighbourhood, in particular the part of the premises next to Watson Terrace, and the neighbourhood of Watson Terrace and meet with me before proceeding with the applicant and before any allowance in whole or part, as it is essential to understand the sensitivity of the neighbourhood and the incompatibility of the Proposed Activities – my front door and our bedrooms are within 20 m of the premises.

I request that the Licensing Services meet with the owners of Holmwood House, who are the former owners of the premises, to understand the nature of the business as it has been for many years, before proceeding with the application for such a radical change of business and before any allowance in whole or part,

Yours faithfully



[\(29\) Post | Feed | LinkedIn](#)

[Bradley • 2ndEntrepreneurial approach to coaching, real estate, hospitality and online retail.](#)

[1mo • Edited • 1 month ago](#)

Follow

I've done a thing.

A £2m hotel is set to open in York in March.

York-based businessman Nick Bradley, who specialises in real estate and hospitality, has recently acquired Holgate Bridge Bed and Breakfast and is transforming the Grade 2 listed townhouse.

Some £2m will be spent on buying and refurbishing the property at 106-108 Holgate Road into the stylish boutique hotel, New Holgate.

It promises 11 stunning and individually designed rooms as well as dining options for both guests and local residents.

Overnight stays will range from £200 to £300, with options including Double Rooms, Luxury Suites and Duplex Family Suites with hot chocolate machines and gaming stations.

Located with private parking, in the residential area of Holgate, the hotel is within walking distance of the train station, York Racecourse and many of York's leading attractions.

Nick said: "To be able to create something new for York is an opportunity that I haven't taken lightly. My team and I have thought really carefully about how we can be the space for the local residents to enjoy, just as much as the holiday makers. We're designing something warm, welcoming, exciting; the heart of Holgate."

The interior renovation will be managed by Yorkshire-based award winning interior design practice, Studio Two – who are notable nationwide for creating distinctive environments within the hospitality and retail sectors.

Studio Two will work alongside Nick and his team to create a stylish space that maintains strong nods to the industrial history of Holgate, through the use of metals including iron beams and carefully selected artwork.

The modern hotel concept is also currently undergoing a complete rebrand by York's leading brand management agency, NIMA.

NIMA, which specialises in hospitality and luxury industries, has developed the "New Holgate" brand and communications and will support the team with the launch of

the new concept this March.

The next few weeks will see local residents invited in to view the hotel and meet the new team, as they prepare for the opening.

#hotel #newholgate Philip Bolson Eric Reynolds Zoe Wheatley Mark Berwick Nicky Hayer Laurence Beardmore Caroline Pullich FloD Ian Garner FloD FCMI Helena Drake Ellis Hall Nick Green Dr. Paul Stanley FRSA FloD AFRIN Tony Webster - MSc Sports Director FloD Greg Barton Angela Brown Beata Olah

Holgate Bridge Hotel – Agreements made during consultation

All forms of regulated entertainment have been removed from the licence application, any sale of alcohol or provision of late-night refreshment has now been limited to residents of the hotel only (and their bona fide guests). Opening hours have reduced to 08:00 - midnight each day.

The following conditions have been agreed with the police and the Environmental Health Officer.

1. The premises shall operate predominantly as a Hotel / Guest House
2. An incident log (whether kept in written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or the local authority.

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

3. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises, it will include all areas (including outside areas), where the public have access to consume alcohol.
 - Copies of recordings will display the correct date and time.
 - The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.
 - North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
 - 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.
4. The premises shall operate the Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
5. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- operation of the CCTV system (including the downloading of evidence);
- retail sale of alcohol;
- age verification policy;
- conditions attached to the Premises Licence;
- permitted licensable activities;
- the licensing objectives; and
- opening times for the venue.

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

6. All off sales of alcohol shall be in sealed containers
7. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area as per the premises plan, onto the pavement or highway.
8. The sale of alcohol between 08:00 – 10:00 hours, daily will be ancillary to food.
9. The use of the outside area will be restricted to between 08:00 hours and 22:00 hours every day except for the provision of smoking.
10. Guests and non-residents are encouraged by staff to leave the premises quietly

City of York Council

Committee Minutes

1 enter highlighted comments into the procedure

Meeting Licensing/Gambling Hearing

Date 1 February 2021

Present Councillors Mason, Melly and Norman

34. Chair

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

35. Introductions

The Chair introduced those participating in the hearing: Members of the Sub-Committee, the Applicant, the Barrister representing local residents and his witness, the resident representing himself, the Public Protection officer, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser to the Sub-Committee, the Democratic Services officer, and the Litigation Solicitor who was shadowing the Legal Adviser.

36. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared.

37. Exclusion of Press and Public

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

38. 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)

Members considered an application by Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York YO24 1DR.

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

- The Prevention of Public Nuisance
- The Protection of Children from Harm

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

1. The application form.
2. The papers before it.
3. The additional plans submitted by Mr Bryce before the hearing.

4. The Licensing Manager's report and her comments at the hearing. The Licensing Manager outlined the report and the annexes, noting that the premises were not located in the Cumulative Impact Area and that consultation had been carried out correctly. She highlighted the additional conditions agreed with North Yorkshire Police in Annex 3 and the objections of Public Protection in Annex 4, confirming that the Police did not oppose the application. She acknowledged the additional information published in the Agenda supplement and the plans submitted by Mr Bryce. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to questions from Counsel for the residents, the Licensing Manager confirmed that the Applicant had a personal licence. She said she had no knowledge of the premises prior to the application and agreed that details of

operating hours for service of alcohol were not provided in the Applicant's plan at page 33 of the papers. In response to questions from Mr Bryce, she confirmed that it was not a requirement for licensed premises to have a bar, and that the application was for a licence to cover both the garden and the whole hotel.

5. The representations made at the hearing by yourself (henceforth referred to as the Applicant).

The Applicant stated that his intention was not to open a beer garden or bar available to the general public. His application was a direct response to the problems caused by Covid-19, in particular the need to provide safe spaces to meet and eat. The main objective was to enhance the service provided to guests of the hotel, and extend it to local residents and anyone else who wanted a safe dining experience. He also wanted to help his business survive and to protect jobs. He regretted that, due to shielding, he had been unable to hold meetings with local residents and respond to their concerns in person. However, he had been available on the phone and the only resident who had contacted him was in favour of the proposals.

The Applicant further stated that the glass pods he intended to install had a maximum capacity of six people. They were self-contained, weather-proof and made of high-quality materials. They would be available to pre-booked diners only, and alcohol would be served with a meal. Bookings would not be accepted from stag and hen parties and never had been. Neither would bookings be taken from parties of more than six people. Only hotel guests and pre-booked diners would be admitted to the garden. Racegoers would not be excluded from booking to dine. Off sales were included in the application to enable diners to purchase a bottle of wine to take away with them.

no conflict with proposed! no conflict with proposed! similar - not pre-arrange in sp. design

similar

no such contribution to alcohol to diners to more visit

no CCTV shown on Holgate bridge plans

no satisfactory parking policy

considered not suitable - His to open 24hrs by analogy even more restricted hours not acceptable

construction of concrete platforms on that basis. Having later been informed that the platforms did require consent, he had since submitted a planning application.

With reference to the operating schedule, the Applicant said he did not anticipate any increase in alcohol-induced anti-social behaviour or crime, since alcohol would be sold only to customers eating on the premises. There would be two fully-trained members of staff on site at all times and he would be happy to meet regularly with ward members and residents to ensure that their experience (of the operation) was a positive one. He took fire safety very seriously and would comply with all requirements in respect of fire exit markings and appliances. The 'fire pit' would be purely decorative, consisting of a raised steel bowl 2m wide, containing a burner occupying less than half that diameter. In respect of safe service of alcohol, he would comply fully with all police requirements and had consulted a professional adviser with regard to CCTV. All staff were trained in the Licensing Act objectives and would apply an age verification policy and keep the required records. Alcohol would not be sold late at night and customers would be reminded, in correspondence and by notices at the premises, to respect the residential area. Out of hours security was provided by a night manager who lived less than 10 minutes from the premises and received alerts from the on-site CCTV cameras. The pods were lockable, and the garden would be fenced off and locked. There were 2m high walls on two sides of the garden.

no evidence of increasing of housing (other than DPs) and no previous

The Applicant said he did not think that the development would cause significant extra traffic. There were 7 parking spaces on site for hotel guests; other customers would be directed to parking on Knavesnire Road. Neither did he anticipate any noise nuisance. He had carried out tests using decibel meters, which indicated that noise levels from the pods would be no higher than background levels. There were no facilities for playing music and the premises would not be open late at night. There would be no deliveries before 9am; refuse was collected once per month. There would be no service of takeaway food to create litter. The dining area was at the rear of the premises, and there would be no street drinking.

these noise considerations - no tests from H.S applicat

Unaccompanied children were not allowed on the premises and the garden was not visible from the street.

In response to questions from the Public Protection officer, the Applicant said he had carried out the sound tests himself using an Iphone app, by playing music quite loudly in one pod and measuring the sound level from a distance of 2m. He agreed that this did not amount to scientific data or a professional assessment.

In response to questions from Counsel for the residents, the Applicant stated that:

- He also intended to serve alcohol in the dining room inside the hotel, which currently seated a maximum of 16 people, and would agree not to exceed this capacity should the application be granted.
- He did not intend to apply the 9:30 pm time limit to hotel guests dining indoors and had not anticipated other customers dining indoors with guests.
- The pizza oven would be a mobile unit and would be subject to the same operating hours as the pods.
- He and his staff would use their judgement in deciding the ratio of food to alcoholic drink to be accepted in a customer's order.
- There would be a minimum of 2 members of staff on duty and serving customers during operating hours; orders would be taken via an app. There would also be a 'restaurant manager' not involved in serving or cooking food.
- The application was not time-limited, and he intended to continue the operation post-Covid.
- The exact location of the smoking area had not been decided, but it would be in the car parking area at the back of the hotel; this area abutted the boundary fence of 4 St George's Place. It would be covered by CCTV but not subject to controlled hours, as the garden area would be closed to non-guests outside operating hours.
- He followed the risk assessment guidance, but as a non-lawyer was not familiar with the reference to Section 182.

In response to questions from Mr Bryce, the Applicant stated that the plan at page 33 of the papers was of the footprint of the hotel. He said there was no reason why he

Should be persuasive

In this case (H/S) no proposal to limit alcohol or ratio to food

Smokers to HG's outside boundary of 1-7 Watson Terrace

had not submitted a clearer plan of the basement. The room to the left of the dining room on the plan was a guest bedroom. There was no bar in the hotel, and only one dining room.

In response to questions from members of the Subcommittee, the Applicant confirmed that he would be content to remove the additional hours applied for on Christmas Eve and New Year's Eve, substituting a finish time of 9pm on Christmas Eve, and accept a condition to limit service of alcohol to table service only. He said that the menu for food service was 'evolving', but he was expecting to serve proper 3-course meals of a Mediterranean type, including pasta, salads, antipasti and desserts, not just pizza.

In response to a question from the Legal Adviser, the Applicant agreed that it would be possible for customers to play music inside the pods on their own devices.

[At this point there was discussion between the Legal Adviser and Counsel as to whether music on licensed premises before 11pm could be conditioned from the outset or only on review of the licence.]

Finally, the Licensing Manager asked the Applicant to clarify what was shown on the plan at page 33 of the papers. The Applicant confirmed that it was intended to show every floor, including the basement. The area marked 'dining room' was meant to be the on ground floor. He said the plan was a mistake, a terrible plan, and that it was not his intention to licence the basement. The Licensing Manager confirmed that, since the application did not cover the basement and other plans of the ground floor had been submitted, she had no further concerns.

The representations made at the hearing by Michael Golightly, City of York Council Public Protection.

Mr Golightly stated that the application was for the premises to operate from 11:00 am to 11:00 pm, 7 days per week, in a quiet residential area. Each of the 8 pods could contain up to 8 people (or 6 as the Applicant now stated), and the external area could accommodate more. Although further conditions had been offered by the

not persuaded

we are concluding that the application is not viable

Should be persuasive

There is no limit on music in HG's outside space, this being a non-licensed activity

Should not be persuasive. This application is 24 hours including sound barrier - 10/11am outside

Applicant, these had either not been formally agreed or were not sufficiently robust. As the application stood, there could be a bar outside. There was also some confusion around who would use the pods. Customers could include racegoers, in which case stringent conditions would be needed. The sound tests had not been carried out by a qualified technician and no details were available in respect of reverberation, background noise levels, the cumulative impact of noise from all the pods in use simultaneously, or sound insulation. The conditions agreed were insufficient to control noise from licensable activities. Public Protection therefore recommended that the application be refused on the grounds of public nuisance unless the issue of conditions could be resolved.

In response to questions from the Applicant, Mr Golightly explained that admitting racegoers to the premises would increase the risk of anti-social behaviour and noise, which meant that door staff would normally be required on race days. Taking pre-bookings and serving alcohol only with meals would help, but more precise details on the handling of bookings would be required in order to mitigate the risk.

In response to questions from Counsel for the residents, Mr Golightly said he could not think of any premises operating in a similar way in a residential area in York and confirmed that there were no other licensed premises close to the application site. He agreed that to site a smoking area beneath a child's bedroom window would be poor management, though in public protection terms this was about the noise rather than the smoke. He confirmed that disturbed sleep was relevant to public protection, but light was less of an issue because it could be controlled, e.g. by putting up curtains. He agreed that kitchen smells could be a statutory nuisance and that exposure to bad language was relevant to the protection of children from harm. He could not comment on the frequency of rubbish collection, but agreed that businesses should plan for the collection of commercial waste. He agreed that the impact of Air B&B premises in a residential area could be significant if they were not well managed, and said there had been an increase in complaints about such premises in York.

In response to questions from Mr Bryce, Mr Golightly stated that noise inside adjacent buildings was not a concern from a licensing point of view where there was no regulated entertainment or music. In preparing his representations he had only examined the external area.

In response to questions from members of the Sub-Committee, Mr Golightly stated that it might be possible to mitigate the public protection risks if the application were significantly altered. However, there was still a risk it could introduce noise into an area where noise did not currently exist. He said he had not had time to discuss conditions with the Applicant over the Christmas period. However, he had doubts as to whether the premises were suitable for this type of operation. The location of the pizza oven was a further concern, since even an external location could be a risk. He agreed that the Applicant should have submitted a planning application for a change of use before applying for a premises licence. He confirmed that no noise complaints had been received about the premises as it currently operated. However, once the whole premises was licensed, there could potentially be a bar in any of the rooms. He agreed that it would not be possible to agree conditions to mitigate the risks at this hearing.

7. The representations made at the hearing by Leo Charalambides, Counsel for a number of residents of St George's Place and Moorgarth Avenue.

Mr Charalambides stated that it was important to focus on what the application was for - an outdoor food and drink-led development in a hitherto darkened garden within a cul-de-sac, in an entirely residential area. With up to 48 customers in the pods and some outside them, plus staff and hotel guests, there could be a significant number of people in the area at any one time. The Public Protection officer had been unable to give an example of a similar operation in York. The Sub-Committee was being asked to authorise the use of a garden as a restaurant or bar; however, this was a planning issue. On that basis alone, the Applicant should be required to obtain planning permission before seeking a licence.

Mr Charalambides submitted that the application was not a response to Covid as stated by the Applicant, but about a long-term investment in an unauthorised restaurant / bar. The application was 'ill thought out and irresponsible' in the context of the Licensing Act guidance and the Council's statement of licensing policy. The residents had taken the time and trouble to make representations, hold meetings and instruct Counsel, and they should be listened to. Paragraph 9.38 of the guidance made it clear that the 'overall interests of the local community' were a relevant consideration, while commercial interests were not. The Applicant had failed to comply with his basic responsibilities, including the requirement to submit 'clear and legible' plans.

Mr Charalambides said he was chilled by the Applicant's response to the Sub-Committee that the menu was 'evolving', concerned that he had started building before engaging with the planning process, and shocked that the police had agreed conditions. He had asked the police to attend the hearing but they were not available. He stated that the Applicant had failed to undertake the local enquiries and risk assessments required by the Licensing Act guidance, including risks associated with the smoking area, cooking, race days, and people loitering outside the premises. The Applicant's responses to questions indicated that he had not thought this through and was unfamiliar with the guidance.

Mr Charalambides drew attention to:

- The statements of the residents, and in particular their references to break-ins at the premises;
- The issue of preserving privacy and data protection in the glass pods and how this would be addressed;
- The protection of children from harm - which harm, under paragraph 222 of the guidance, could include bad language and limiting children's enjoyment of their own gardens;
- The lack of parking facilities and information on where and how parties of diners would be organised, and potential public nuisance resulting from this.

He urged the Sub-Committee, even just on these few examples, to reject the application.

Cllr Crawshaw, Ward Member for Micklegate, was called as a witness. He confirmed that St George Place was a quiet residential street in his ward, with a small supported-living area at the top of the street and larger houses towards the bottom. There had been no complaints about noise in the area until last year, when he started to receive reports that racegoers congregating at Knavesnire Gates were causing problems. This was about 100m from the entrance to St George Place. One of the biggest problems he had to deal with as a ward councillor was the noise from small groups of 3-5 people sitting drinking on the wall at Little Knavesnire, which sounded more like 20-40 people and carried as far as Albermarle Road. There were also issues with Air B&B premises on The Mount. People would tolerate occasional noise from their neighbours but noise from commercial premises on a regular basis would often become a problem. He and his fellow ward member Cllr Kilbane had been contacted by a significant number of residents and he was disappointed that the Applicant had not contacted ward members. In his own experience with music venues, complaints usually related to the smoking and external areas. He considered that this was the wrong idea for the area and would be disastrous for St George Place and Moorgarth.

The following residents represented by Mr Charalambides were then called to comment individually:

- Mark and Helen (Representor 18) said that noise, disturbance and pollution from the premises would affect their enjoyment of their garden, their children's health and ability to sleep and also their privacy, as it was possible to see into the family's bedrooms and dining room from the pods.
- Derek (Representor 15) said that noise would be a significant issue for him and his family, as they lived close to the premises and all, including their young son, slept at the rear of the house. Their use of their own garden would also be affected.
- Rebecca (Representor 14) said that having over 40 people in the garden of the premises would have a huge impact in terms of noise, this would affect her children who were doing university work at home and was inappropriate for the area.

- Sean (Representor 11) pointed out that the premises were in a conservation area and said that the noise was bound to carry, as there was a clear line of sight down a line of domestic back gardens to the pods, and the operation would disrupt the residential character of the area.

In response to questions from the Applicant as to how he could allay residents' concerns, Mr Charalambides advised that he should start the process again from the beginning by completing the application properly, providing an operating schedule that addressed the licensing objectives and then engaging with the responsible authorities and the residents. The additional documents he had submitted were an attempt to engage retrospectively, contained inconsistencies, were unclear, and did not begin to address the concerns raised.

In response to questions from members of the Sub-Committee, Mr Charalambides acknowledged that the police had agreed the operating schedule and the Applicant had offered earlier closing times, but said it was local residents who were the experts on crime in their area. Already there had been an increase in crime and disorder, with break-ins at the premises, and drug users and anti-social behaviour in the wooded area nearby. Although there were no specific problems associated with the current bed and breakfast operation, the application was likely to exacerbate certain types of disorder in the area, including those associated with the racecourse. He called on Cllr Crawshaw to expand upon this.

Cllr Crawshaw explained that on race days up to 40,000 people attended the racecourse, resulting in a significant number of anti-social behaviour incidents. Ward members held meetings with residents at the start and end of every season and their complaints greatly exceeded the incidents officially recorded by the police. There had already been an increase in problems at the Knavesmire gates and this application would provide a further focus for anti-social behaviour, drawing it further up St George Place. Noise travelled further than most people realised.

In response to further questions from the Sub-Committee:

8.

- Mr Charalambides stated that the hearing was for members to make decisions in the interests of the local community.
- Cllr Crawshaw said he had not objected to the application because he had misunderstood that part of the Licensing process: it was a mistake on his part.

The representations made at the hearing by Anthony Byce, a local resident.

Mr Bryce supported the submissions made by Counsel for the Applicant. He added that he found it hard to believe that the basement would not be used for any purpose and stated that there was the potential to modify the premises over time and for the basement to be used by drinkers. This would increase capacity, attract more people to the premises and exacerbate the problems it would cause.

The Representatives and the Applicant were each then given the opportunity to sum up.

The Public Protection officer summed up. He said that the application had been submitted over Christmas and he had not had much time to consider it. However, nothing he had heard today had allayed his concerns about noise nuisance; in fact it had caused additional concerns. This was a highly residential area, and the premises were overlooked by gardens and dwellings. No professional sound tests had been carried out on the pods. It was not clear that any achievable conditions could be attached in order to prevent noise. He therefore advised that the application be refused on the grounds of public protection and protection of children from harm.

Counsel for the residents summed up. He said it was clear that the Applicant had not considered the nature of the location and the character of the area. The application was changing and evolving to suit the questions being asked. The Public Protection officer had said that he had extra concerns, and Paragraph 9.12 of the guidance stated that particular regard should be taken of evidence from an expert. Members were looking at a proposal to develop a bed & breakfast operation in an entirely residential area into what was effectively a stand-alone

glass restaurant and bar in a residential garden. This was simply not suitable for the area, and he urged them to reject the application.

Mr Bryce summed up. He stated that this was an ill thought-out and opportunistic plan to exploit the premises for financial gain. He said that the Applicant was not interested in its effect on the neighbourhood because he lived away from the area. Residents would suffer visual and aural detriment and loss of parking space. If granted, the application would set a dangerous precedent. The Applicant had no experience of running licensed premises, had shown a lack of involvement, had avoided submitting accurate plans with clear details, and could not be relied on to comply with conditions.

The Applicant summed up. He thanked everyone for their involvement and said he had listened carefully to the objections and taken them on board, especially the comments about noise and disruption to amenity. He stated that this was not a profit-motivated endeavour but an attempt to diversify and provide something unique to encourage people to visit and ensure the success of the guest house business. He wanted to take on new employees as well as retain current staff. He appreciated that the objections were based on a 'worst case scenario' and would be happy to curtail his opening hours, including not opening in the evenings on Sundays to Tuesdays if that would help. He would also be happy to limit the number of customers in the garden to 24. He did not think that the restaurant would draw racegoers up to St George Place, as he was not offering a bar and there was no seating in the garden area (except the pods). His purpose was to provide safe, comfortable, warm private dining areas and he would not seek to attract the type of customer who would detract from that atmosphere. He accepted that the original application had not been detailed, but said he had subsequently submitted very detailed operating principles.

The following points of clarification were provided:

- On the issue of imposing conditions on music that was not a licensable activity, as discussed earlier, the Legal Adviser and Counsel for the residents

- confirmed that they had not changed their positions; however, the latter agreed that this was a grey area.
- Members agreed that they could consider conditions relating to the number of customers permitted in the garden area, the areas to be licensed, the operating hours, and table service of alcohol with a substantial meal.
 - The Applicant confirmed that he would agree to any conditions that would make his objective for customers to enjoy a meal in safety and comfort work. If alcohol could only be served indoors, this may be a problem.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **rejected**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Reject the application. This option was **approved**.

Resolved: That the application for a premises licence for St George Hotel, 6 St George Place, York YO24 1DR be rejected.

Reasons:

(i) The Sub-Committee noted that no representation had been received from the Police, having agreed additional conditions with the Applicant prior to the hearing. The Sub-Committee further noted the submissions from Mr Charalambides, that he had invited the Police to attend the hearing, but they had been unable to do so due to other diary commitments.

I have invited the Environmental Health Officer to appear and explain the reason for refusing a permit to investigate but the public have been delivered

(ii) The Sub-Committee considered the evidence of the Applicant, in particular the additional information he provided about his proposed business, and operating hours, and noted that he accepted that his application had not been adequate that there were no complaints linked to the current business, and he had submitted further information in support of his application. However the Sub-Committee were concerned that it remained unclear how / where the Applicant intended elements of his new business to be conducted / operate on the premises, the plans submitted by the Applicant were not sufficiently clear, the business model was not sufficiently developed, the requirements / impact of planning consent on his intended business model was not known, the Applicant had prepared insufficient risk assessments, there was no certainty about how the glass pods would be used, e.g. would the occupants be enclosed at all times or would windows / doors remain open, and no professional noise assessment had taken place. All of which reflected to the Sub-Committee that the application was ill-prepared, and lacking in detail, such that they did not have confidence that the Licensing Objectives would be upheld.

in this case, there is no proposed sound or sight envelope!

(iii) The Sub-Committee considered the evidence of the Public Protection officer carried great weight, in particular the lack of professional sound tests, insufficient risk assessments and preparation conducted by the Applicant, such that he was not satisfied

that any achievable conditions could be attached to the licence to satisfy his concerns. The Sub-Committee noted that in his summary to them Mr Gollightly stated he had greater concerns about the application after hearing the evidence during the hearing.

I reviewed the summary and was satisfied by the evidence.

(iv) The Sub-Committee considered that the evidence of both Mr Charalambides on behalf of a number of local residents, and Mr Bryce himself a local resident. They noted that the Premises is located in an entirely residential area of the city, specifically in a cul-de-sac, within a conservation area. That there is no similar licensed premises in the city. They also noted the evidence that complaints were not always made to the Police by local residents, and noise complaints had been received in other areas close to the Applicant's premises linked to groups gathering outdoors in smaller numbers to those expected by the Applicant in the premises garden area. The Sub-Committee noted that the Applicant had not conducted any meaningful engagement with the local residents or ward councillors prior to submitting his application.

The evidence reviewed was satisfactory and the applicant was satisfied.

Clr A Mason, Chair
[The meeting started at 10:10 am and finished at 2:50 pm].

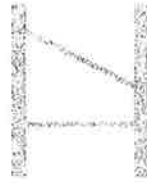
Pippa Allen

From: Mr C <>
Sent: 16 May 2023 16:28
To: Pippa Allen
Subject: Fwd: Booking Confirmation

CAUTION: This email originated from outside of the organisation using a free email account. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you are unsure please forward the email to Helpdesk to review on your behalf.

----- Forwarded message -----

From: New Holgate <noreply@roomraccoon.com>
Date: Tue, May 16, 2023 at 4:23 PM
Subject: Booking Confirmation
To: ·



Thanks for your reservation!

Dear Rebecca Brown,

We look forward to welcoming you. Please see below information regarding your booking.

Arrival: 01/06/2023	Your reservation: Double Suite, Celebrate Our Opening With Us - Enjoy Sparkling Wine & Yorkshire Chocolates On Arrival!
Departure: 02/06/2023	
Reservation: #4	Sofa Bed Champagne Prosecco

Bottle of Red Wine
Bottle of White Wine

Total: £ 350.10
incl. Tax
excl. £ 0.00 city tax

Breakfast:

We serve breakfast daily in our Restaurant from 8am-10am Monday - Friday and from 8am-11am on Saturday & Sunday. Please note that if you have reserved breakfast, you will be asked to select your preferred time from the time slots available on check-in.

Cancellation:

Should you need to cancel your reservation, please do so before 3pm at least two days prior to your arrival to avoid a cancellation charge equivalent to the full value of your scheduled stay.

Parking:

Parking is available at the rear of the property on Watson Terrace via Watson Street at a cost of £12.50 per car per night.

Enhancements:

If you would like to enhance your scheduled stay with us, you can add a range of enhancements, such as Car Parking, Champagne, a Yorkshire Breakfast and much, much more! If you would like to add any of these enhancements or discuss the full range of enhancements available, please do contact us directly to discuss your requirements.

Things To Do:

City Walls, Jorvik Viking Centre, Museum Gardens, National Railway Museum, St Mary's Abbey, The Priory Church of the Holy Trinity, Theatre Royal, Treasurers House, York Castle Museum, York Dungeon, York Minster, York Racecourse, York Railway Station, York Shambles, York's Chocolate Story are all within walking distance of New Holgate.

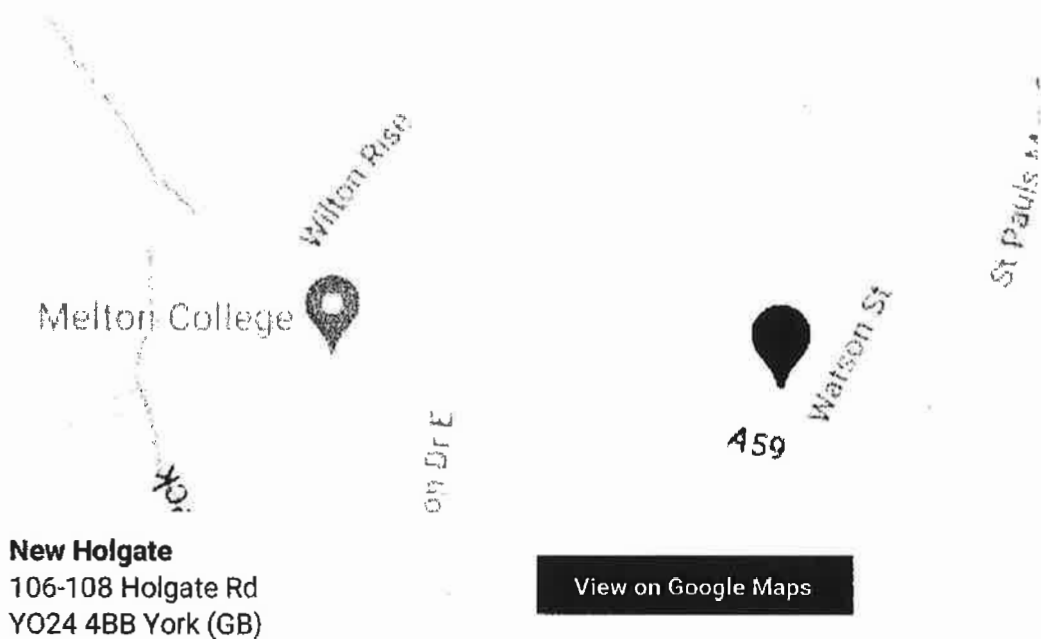
Wi-Fi:

Wi-Fi is available throughout New Holgate and is free to all residents and visitors.

If you have any further queries or questions in regards to your reservation at New Holgate, please do not hesitate to contact us at your earliest convenience.

Kindest Regards,

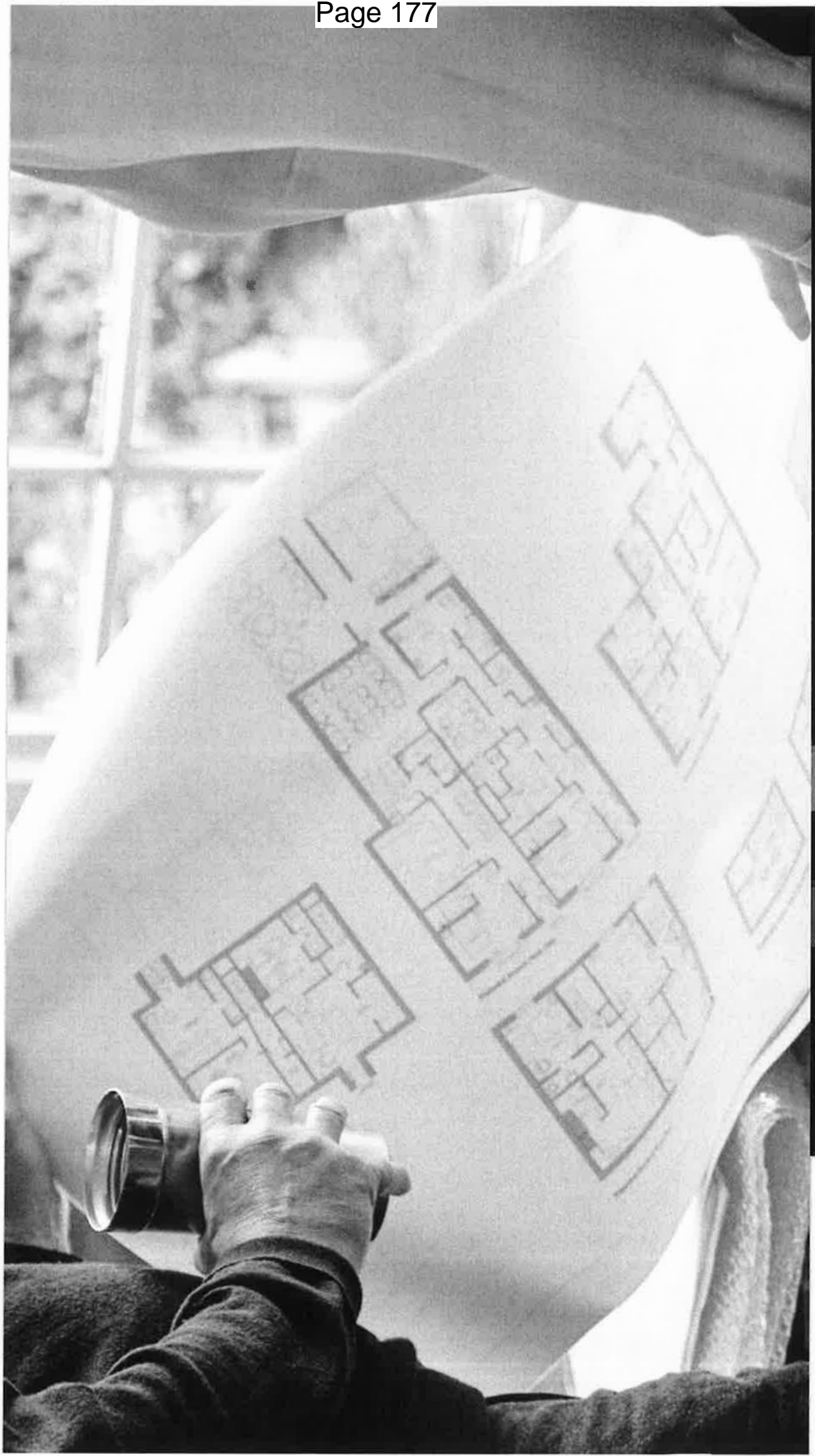
Nick





<https://www.newholgate.com/gallery>

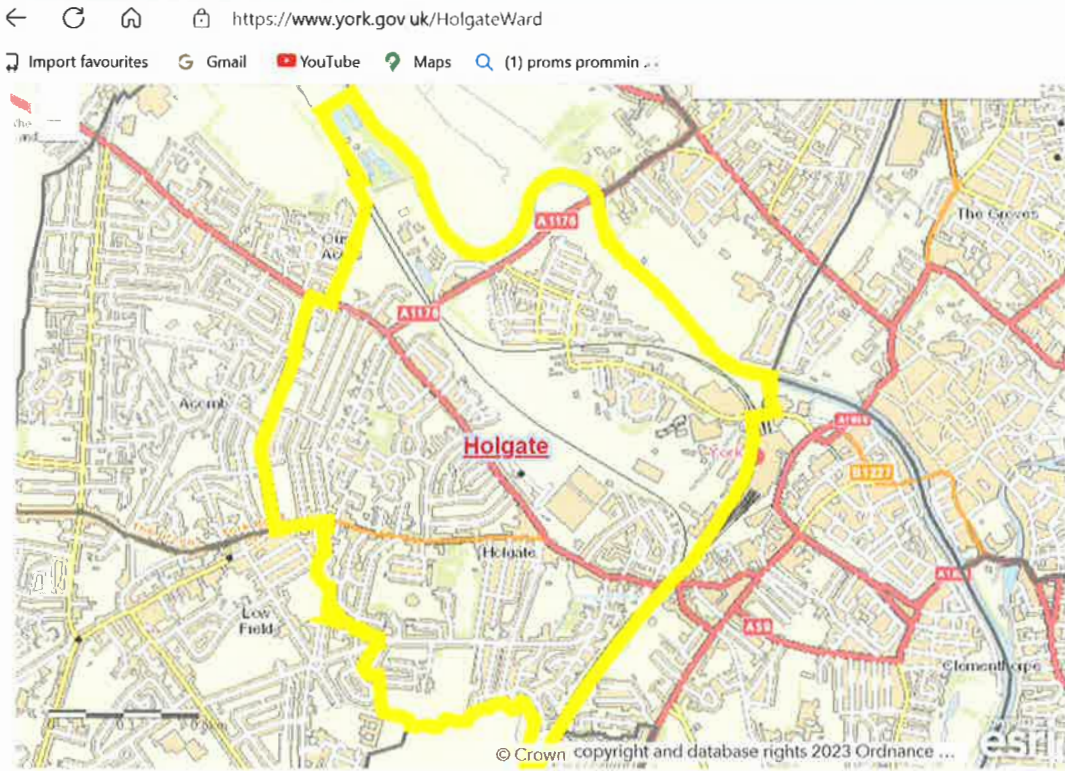
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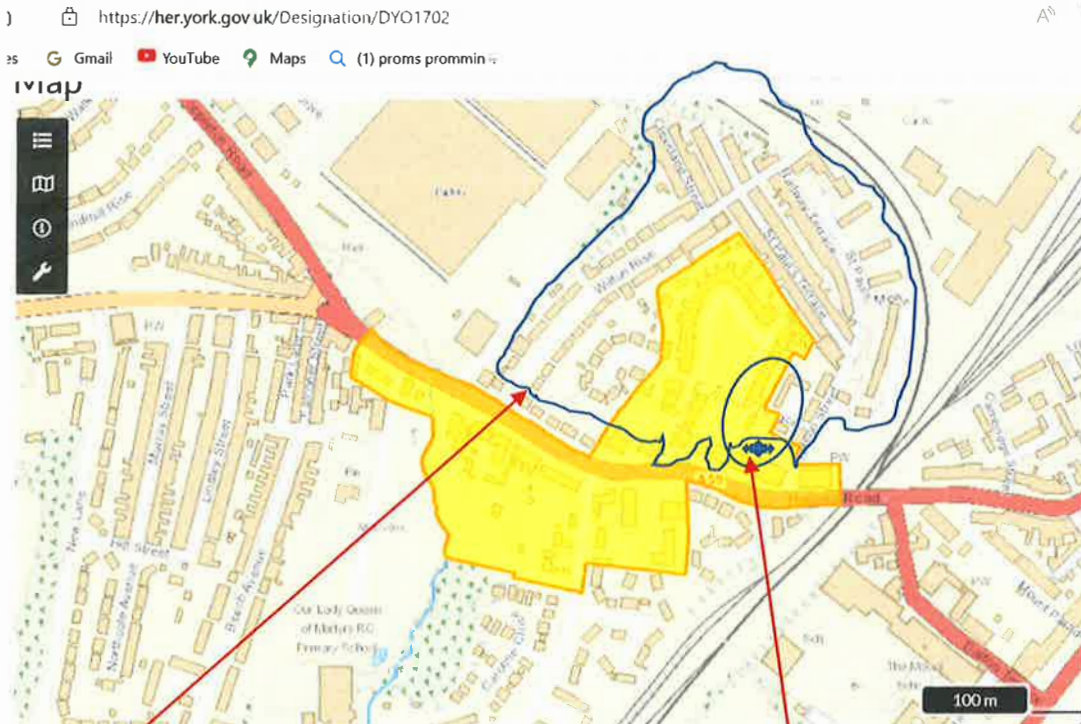
here to search

REPRESENTATION OBJECTING TO LICENCE APPLICATION IN NAME OF HOLGATE BRIDGE LIMITED

AREA MAP OF HOLGATE WARD SHOWING ST PAULS AREA




AREA MAP OF ST PAULS CONSERVATION AREA



ALL OF THIS AREA ENTIRELY AND EXCLUSIVELY RESIDENTIAL

106-108, AND COUNCIL HOUSING AND MY HOME

HOLGATE BRIDGE (106), LOCATION OF PROPOSED CUSTOMER OUTSIDE SPACE ()AND VEHICLE ROUTES IN COUNCIL HOUSING (WATSON TERRACE 1 TO 7 AND CECELIA PLACE 1 TO 6) AT REAR

AND MY HOME (1 – DAUGHTERS BEDROOM CLOSEST TO 106, STUDY (SELF -EMPLOYED) OVERLOOKING 106) WITH SQUARE OF 40 RESIDENTIAL DWELLINGS LEADING FROM THERE RESIDENTIAL



NO DISPLAY NOTICE ON PREMISES NEXT TO WATSON TERRACE (photos date stamp 2nd March 2023); View of customer outside space to rear of parking from Cecelia Place and residents passing along Watson Terrace



COUNCIL HOUSING IN CECILIA PLACE AND ON WATSON STREET ADJACENT HOLGATE BRIDGE HOTEL



WILDLIFE CORRIDOR ST PAULS DOCK AND GRADE II LISTED GARDENS, REGENERATED IN LATE 1900S



ST PAULS CHURCH OF ENGLAND PRIMARY SCHOOL AND CLEAN-AIR ZONE



School pupils entrance directly opposite Holgate Bridge Hotel



School keep clear zone and double yellow zone on Watson Terrace and Pupils entrance sign on junction with St Pauls Square

OWNER-OCCUPIED AND PRIVATE TENANTED RESIDENTIAL HOUSING

St Pauls Square, Enfield Crescent, St Pauls Mews and Watson Street leading to St Pauls Terrace, Railway Terrace , Wilton Rise, and Cleveland Street



RECENTLY REFURBISHED VOLUNTEER ARMS AND ST PAULS CHURCH OF ENGLAND PARISH WITH THRIVING YOUNG FAMILY CONGREGATION AND SERVICES



City of York, Licensing Services
Hazel Court Eco Depot, James Street YO10 3DS
By email / hand to licensing@york.gov.uk



YO24 4BD
15 May 2023

Licensing application for Holgate Bridge, objections close 16th May

We object to the Holgate Bridge application for an alcohol licence. We object to any hours of licensing to hotel residents, bona fide guests and to members of the public.

We object to Holgate Bridge staying open 24 hours a day. We object to any opening hours after 9pm.

We are concerned that licensing of any duration will cause a **public nuisance and present a risk of harm to children** by changing the profile of residents staying at Holgate Bridge to that previously.

Licensing to members of the public will attract members of the public of a different profile to those visit the neighbourhood currently. Specifically this will attract to the premises, people who see drinking as a significant part of their reason for visiting the premises. In our experience those who are not motivated to drink will choose to stay at a Hotel or visit a café which does not offer alcohol, so as not to be troubled by others who choose to make their entertainment in the premises during the day and evening and night or who are likely to overindulge in alcohol.

We are concerned about the introduction of a clientele who will cause problems including use of bad language, inappropriate behaviour, loitering, trespassing and damage to property, littering and vomiting on the pavement or simply partying including excessive noise levels.

The profile of clientele of the B&B up to know have come for overnight accommodation whilst working locally as long term or short term contractors, or whilst visiting York or family and friends in the area. Other than breakfast, the day would be spent away from the premises, returning to sleep, without causing any disturbance or intrusion in the neighbourhood. This valued clientele will be driven away if the premises is licensed, as well as by the doubled cost of the rooms, which has put the accommodation out of the reach of previous clientele.

The applicant suggests that the premises aims to attract local residents, however at £20 for breakfast and £150 a head for a room, this is unrealistic for the majority of local residents and visiting friends and family. Realistically the applicant is aiming for the lucrative group entertainment market including private and corporate parties and race goers. Having more money at their disposal or being on corporate expenses increases the likelihood of this profile of clientele spending more on alcohol.

The outside space at the back of the premises is enclosed within an area of high buildings that run along Holgate Road and surround St Pauls Square and Watson Terrace. This shields noise from Holgate Road. Because of this and of the purely residential nature of the area, it is intensely and uniquely quiet and secluded. During evenings and weekends, outside school hours, often the only sound is that of birds in the gardens.

The high buildings also amplify noise within this enclosed area. Noise and drug-smoking problems have been reported on numerous occasions associated with residents of Astor Hostel. Groups of 3 to 6 people can sound like 40. This is particularly the case closer to the back of the Holgate Road premises. Any outside licensed activities will entail noise and smells of cooking which carries and intrudes in our homes and gardens and affects children playing in the gardens. We are concerned that if the hotel sells alcohol to residents and members of the public it will increase this public nuisance through noise and antisocial behaviour.

By licensing the premises to attract evening drinking custom there will be noise and people and cars and taxis, even in the middle of the night, passing by our house at night and in the early hours of the morning. If sleep is disturbed this will affect our health. We will feel less secure in our home knowing that strangers are coming into the area while we are asleep.

Licensing to members of the public will dramatically increase the traffic into Watson Terrace and St Pauls Square. From 22 guests in a 24 hour period, the premises may attract 48 members of the public over different times of the day and evening, potentially up to 150 in a 24 hour period, and more when "hosting events in the outside space" as advertised on the website.

We are concerned about our **road safety**. Either entrance into Watson Terrace is restricted, and the road has no central line. Either entrance has a blind corner with very narrow pavement. The entrance into the premises car park is restricted, blind and crosses the main pedestrian thoroughfare pavement in a largely pedestrian area. The premises is grade 2 listed including the walled entrance into the car park. The car park is so confined that cars will likely have to reverse to exit the car park. The parking is totally inadequate and will lead to increased traffic around the area by customers of the premises trying to park, and this will be a public nuisance, with dangerous parking, taking our parking spaces and causing us to park further afield and will be a risk to safety.

We are concerned about **public safety**. The applicant for the licence has proved himself to be a hazard to public safety and to the possession of a licence, showing a disregard for or inability to understand or follow procedures and terms. He has failed to engage with us and make his intentions known or listen to our concerns. He concealed his application by failing to post a notice on the Watson Terrace perimeter of the premises, and by failing to advertise in the Press, and by obscuring what is being applied for with inconsistent wording and applying for activities which were not contemplated. In reply to objections to the first application, he circulated a letter to residents of St Pauls Square (omitting those most affected and closest to the premises), which is misleading and is full of false assurances. He has failed to understand or to follow the licensing application procedure, including posting a notice (on 2 occasions) before submitting his application, and with incorrect date and proposed activities, and has failed to adhere to the agreed Police and Environmental Health conditions. His designated premises supervisor qualified in January, coming from a background in hotel cleaning services. He and his staff have shown disregard for the wishes of the residents, and assumed that we welcome a radical change in use. He has failed to follow the procedures of applying for change of use, planning consent and listed building consent.

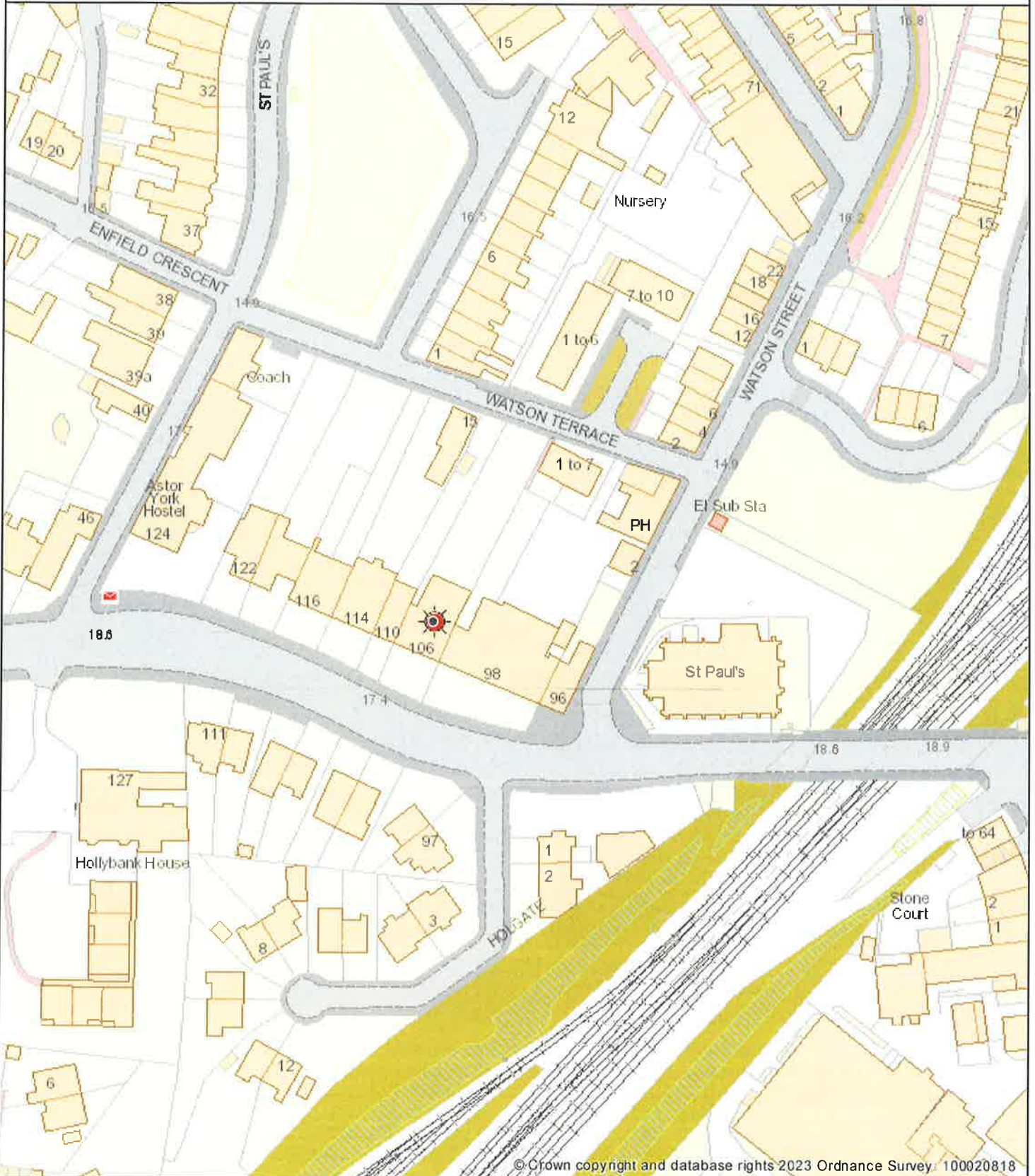
The premises plan shows a complete lack of understanding, having a childrens play area marked as a licensed area, and directly communicating with the whiskey bar area also marked as licensed. All bedrooms and en-suites are marked as licensed areas despite the Police terms requiring installation of CCTV in all areas where alcohol will be consumed.

We are concerned about increasing **crime and disorder** including parking problems. A number of properties in the Square have CCTV to monitor night time activity and break ins, vehicle crime, other damage and problems with dogs. There are break-ins to properties and vehicles from time to time which can be expected to increase with increasing comings and goings into the area.

People entering Watson Terrace and St Pauls Square walk or drive straight past the windows of our ground floor rooms including bedrooms, and past the entrance to our house and garden which open directly onto the narrow pavement of Watson Terrace. Licensing will cause many more people from outside the area to pass within inches of our windows and front door at any time of day and night.

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Annex 6

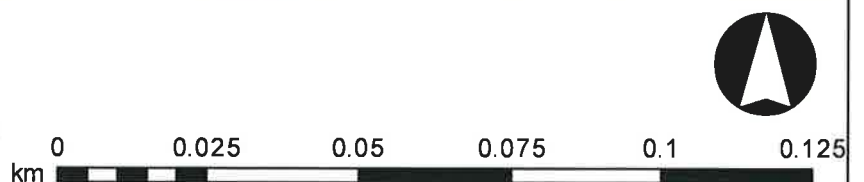


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Date: 03 Mar 2023

Author: City of York Council

Scale: 1:1,250



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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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