

AGENDA SUPPLEMENT

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Hook and Melly

Date: Monday, 12 June 2023

Time: 10.00 am

Venue: Remote Meeting

The Agenda for the above meeting was published on **1 June 2023**. The attached additional documents are now available for the following agenda item:

- 6. The Determination of a Section 18(3) (a) (Pages 1 - 58)**
Application by New Holgate Limited for a
Premises Licence in respect of Holgate
Bridge Hotel, 106 - 108 Holgate Road, York,
YO24 4BB (CYC-072631)

This agenda supplement was published on **9 June 2023**.

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Licensing Hearing 12 June 2023

Holgate Bridge Hotel

Additional documents submitted by Applicant

- Case Summary
- Licensed premises in the immediate area
- Bundle of licences of nearby premises

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BEFORE THE CITY OF YORK COUNCIL LICENSING SUB COMMITTEE
IN THE MATTER OF THE LICENSING ACT 2003
AND IN THE MATTER OF THE NEW HOLGATE HOTEL (FORMERLY HOLGATE BRIDGE
HOTEL), 106 – 108 HOLGATE ROAD, YORK

CASE SUMMARY OF NEW HOLGATE LIMITED
FOR THE HEARING BEFORE
THE LICENSING SUB-COMMITTEE (REMOTE) 10.00AM 12 JUNE 2023

Background

1. The Applicant, New Holgate Limited, of 48 Goodramgate, York, YO1 7LF has applied for a Premises Licence for the Property at 106/108 Holgate Road, York, YO24 4BB ("the Property") which was previously known as The Holgate Bridge Hotel and is now to be known as The New Holgate Hotel. This Case Summary is served in support of the Applicant's Premises Licence application.
2. The Property is a Grade II building dating from 1864 and is in a row of similar properties on Holgate Road, York running between St Paul's Square and Watson Street. The Property was previously operated as The Holgate Bridge Hotel (the box girder bridge over the railway is close by) which was an unlicensed hotel with some 16 letting bedrooms.
3. The Applicant company purchased the Property for in excess of £1.4 million with the intention of reopening it as an upmarket boutique hotel catering for residents who would pay something in the order of £300 per night. The previous owners of the Property live next door and also operate the Holmewood House Hotel at 112/114 Holgate Road, York.

4. The Applicant is currently carrying out a refurbishment of the Property including stripping out modern partitions and boarding to increase the size of the letting bedrooms (and reduce the number to 12) and also exposing previously hidden original features such as ceiling plasterwork roses.
5. The Applicant's intention is to operate an upmarket boutique hotel with dining facilities for residents and others. The restaurant will provide some 16 covers, a small basement 'Whiskey' bar will have 12 covers, and with an outside dining area for use in the summer period providing some 32 covers. The Applicant's plan is that this operation is accommodation/food-led, and it is not the Applicant's intention that this is simply to be another public house serving food. The Applicant intends to serve local sustainable wines, local gluten free bottled beers, gin and some selected spirits, together with soft drinks and water. There will be no draft beers and the spirits offering will be restricted.
6. The Applicant has been given notice of a host of objections which have been lodged with the Licensing Authority in relation to its application. The tenor of many of the representations which have been filed with the Licensing Authority suggest that the operation proposed by the Applicant at the Property will be an unusual feature of the area and which is out of keeping with the area and its residents. Those objections ignore the fact that:-
 - 6.1. The Property was formerly operated as a hotel (albeit without a Premises Licence);
 - 6.2. The Holmewood House Hotel carries on business at 112/114 Holgate Road (without a Premises Licence);
 - 6.3. There is a Premier convenience store at the corner of Holgate Road and Watson Street (96A Holgate Road) which has the benefit of an off-licence allowing the sale of alcohol

for consumption off the premises between 08:00 hrs to 23:00 hrs daily and on Sundays between 10:00 hrs and 22:30 hrs.

- 6.4. The premises between the Premier convenience store and the Property are essentially houses in multiple occupation by students;
- 6.5. St Paul's Lodge, 120 Holgate Road, has a Premises Licence providing for live music, recorded music, activities like music/dance, facilities for making music, facilities for dancing, facilities like music/dance, late night refreshment and the supply of alcohol. Its licensable activities are 10:00 hrs to 23:00 hrs seven days per week and for late night refreshment between 23:00 hrs and midnight each day. Alcohol may be supplied to residents 10:00 hrs to 02:00 hrs.
- 6.6. The Astor Hostels (formerly known as The Holgate Hill Hotel), 124 Holgate Road has a Premises Licence for recorded music, late night refreshment and the supply of alcohol. Alcohol may be supplied between 10:00 hrs and midnight on weekdays and on Sundays 12:00 to 23:30 hrs. Intoxicating liquor may be sold or supplied at any time to persons residing at the premises or their private friends bona fide entertained by them at their own expense.
- 6.7. Kilima Hotel (Best Western), 129 Holgate Road has a Premises Licence for the supply of alcohol. The permitted hours are weekdays 10:00 hrs to 23:00 hrs and Sundays 12:00 hrs to 22:30 hrs. The permitted hours do not prevent the sale or supply of alcohol to or consumption of alcohol by any persons residing at the premises or the ordering of alcohol to be consumed off the premises or the despatch by the seller of alcohol so ordered.
- 6.8. The Volunteer Arms, 5 Watson Street has a Premises Licence providing for live music and recorded music, facilities like music/dance and the supply of alcohol. The

permitted hours for licensable activities are 10:00 hrs to midnight Monday to Thursday, 10:00 hrs to 01:00 hrs Fridays and Saturdays and 12:00 hrs to 23:30 hrs on Sundays.

A Schedule setting out the main licensing provisions of local premises is attached together with copies of the Premises Licences of the premises mentioned at paragraphs 6.3, 6.5, 6.6, 6.7 and 6.8 are attached to this Case Summary.

7. Accordingly it is the Applicant's case that far from being a departure from activities carried on in the area, what the Applicant proposes at the Property is very little different from what is already happening in the area at the moment save that, perhaps, the nature of the operation at the Property as proposed by the Applicant will be serving a more restricted market because of its price structure and the very nature of its operation i.e. a boutique hotel focussing on accommodation and food.
8. The Property will have 12 letting bedrooms with carparking to the rear with access off Watson Terrace. The carpark arrangements are no different to those of the former owners. Guests will be directed to the rear of the Property for parking their cars, but otherwise the main focus for those coming and going from the Property will be the entrance fronting onto Holgate Road. The dining area will be at the rear of the Property on the ground floor with a small bar area for diners to enjoy a drink both before and after their meal. The outside dining area is on a paved courtyard which will be separated from the carpark by planters. The boundary between 106 and 104 Holgate Road is formed by a wall above which stand trees and bushes and the boundary between 108 and 110 Holgate Road is a fence, the height of which the Applicant has agreed with the adjoining owners to increase to enhance their privacy.
9. Low level background recorded music is planned to be played in the dining area and the outside dining area, albeit it is proposed that outside service and the playing of

recorded music will cease at 22:00 hrs. The outside area will not be used, other than for smoking, after 22.00 hrs.

10. Essentially the Applicant is seeking:-

10.1. The ability to supply alcohol to non-residents between 08:00 hrs and 24:00 hrs daily with a restriction that the service of alcohol to non-residents between 08:00 hrs and 10:00 hrs should only be as an ancillary to taking a table meal;

10.2. It is not intended that the licensing hours for the sale of alcohol should restrict the sale of alcohol at any time to a resident at the Property or a bona fide guest of the resident being supplied with alcohol at that resident's expense.

10.3. The provision of late-night refreshment (within the Property and not in the external area) between 23:00 hrs and 24:00 hrs daily.

10.4. The ability to supply alcohol for consumption on or off the premises between 08:00 hrs and 24:00 hrs daily save that there will be no restriction for the supply of alcohol to residents for consumption off the premises.

10.5. Although, as is set out in Annex 2 to the Agenda Bundle no licence is required for recorded music between 08.00 hrs and 23.00 hrs the Applicant intends to play recorded low level background music between 08:00 hrs and 23:00 hrs daily save that there will be a restriction on the playing of recorded music in the outside dining area to 08:00 hrs to 22:00 hrs daily.

11. The application submitted by the Applicant dated 27 March 2023 contains in addition applications for various other activities such as the provision of plays, films, boxing or wrestling, live music and performances of dance, none of which the Applicant wishes to have on its licence. Those applications are abandoned.

12. The Applicant's position is that what it is seeking is no different in essence to what is allowed for premises which already carry-on business in the area and little different to what was carried on at the Property before, other than the provision of alcohol and late night refreshment. The Applicant has a Designated Premises Supervisor who holds a personal licence, and the sole director of the business also holds a personal licence.
13. The investment in the purchase of the Property and its redecoration are such that the Applicant has a significant interest in the venture succeeding and will do all in its power to operate the business properly and to exist as harmoniously as it can with those who live and work in the surrounding area.

Representations/Objections.

14. Some 25 sets of representations have been sent to the Licensing Authority. Several, (those at numbers 10, 11, 12, 13, 14 and 15 in Annex 5) are in virtually identical format and would appear to have been drafted by the same person and similarly those at 23 and 24 in Annex 5 are in a similar format and appear to have been produced in conjunction with each other.
15. A whole host of issues are raised such as,
 - 15.1. The area has a quiet residential character;
 - 15.2. The Applicant might buy up more properties in the neighbourhood in the future;
 - 15.3. Parking, traffic and damage to cars;
 - 15.4. Unfair competition with other venues;
 - 15.5. Off sales will encourage disorder and crime;

- 15.6. Oversight of properties, people looking through windows, peace of mind;
 - 15.7. Music will disturb the neighbourhood;
 - 15.8. Prevalence of drunken racegoers;
 - 15.9. Protection of children – there is a school/nursery nearby;
 - 15.10. The wrong sort of people, “interlopers” might be attracted to the area;
 - 15.11. Some local residents have nervous dogs;
 - 15.12. Planning issues.
16. The majority of those issues raised are, the Applicant submits, entirely irrelevant to the application for a Premises Licence. The drunkenness of racegoers appears to be a major concern of those making representations. There were 18 days of racing in 2023 and the service to racegoers is the responsibility of those operating the racecourse and its bars and not the Applicant.
17. Factors identified by the representors may be said of any of the licensed premises in the area yet those have been granted Premises Licences and some in much wider terms than those sought by this Applicant.
18. Various procedural objections are taken to the application including the form of advertisement notice, the form of application and the plan. This is particularly true of the representations dated 16 May 2023 to be found in Annex 5. The Report to the Licensing Sub-Committee shows at paragraph 18 (page 30 of the Agenda Bundle) that all procedural requirements of the application have been complied with.

19. It is noteworthy that there are no representations by Responsible Authorities (see paragraph 19 of the Report to the Sub-Committee (page 30)).
20. The Applicant submits that the vast majority of the representations made are irrelevant and fall outside the scope of objections to the licensing application.
21. Furthermore the Applicant says that the conditions set out in the Operating Schedule to the application which are summarised at paragraphs 10 to 15 of the Report to the Sub-Committee coupled with the mandatory conditions set out at Annex 7 of the Agenda Bundle meet the objections which have been made.

Summary

22. The Applicant is not aiming to cause nuisance or annoyance to those in neighbouring properties. It has invested a substantial amount in the Property from which it intends to operate an upmarket boutique hotel with 12 bedrooms and offering dining facilities to residents and members of the public.
23. The sale of alcohol to non-residents would be limited between 08.00 and 10.00 hours to those taking table meals with the alcohol as an ancillary to such a meal.
24. Although off-sales are sought as part of the application, it is anticipated that such off-sales will be limited essentially to residents seeking to buy craft beers and sustainable wines which they had enjoyed at the Property and wish to take away with them or in some instances, for residents to take alcohol away from the premises as part of a picnic lunch. The Property will not be competing for 'passing trade' with the nearby off licence at the corner of Watson Street and Holgate Road or 'The Volunteer Arms' on Watson Street.

25. The outside area will be of limited operation during the summer months and is screened from the adjacent properties on one side by trees and bushes and a wall and on the other side by a fence which can be increased in height if the neighbouring owner so wishes. The dining area will be screened from the carpark by planters and the Holmewood Hotel annex also forms a screen to the rear of the Property.
26. The Applicant is prepared to make it clear to residents that the back gate opening onto Watson Terrace will be closed at 22.00 hrs at the same time as outside service ceases. Residents and guests will thereby be forced to use the front entrance to the Property after that time. The Applicant will, if thought desirable, allow parking in the car park by residents only after 20.00 hrs.
27. The Applicant will seek the co-operation of the local authority in improving parking enforcement on Holgate Road and also whether a taxi rank on Holgate Road would be feasible.
28. It is submitted on behalf of the Applicant that the sub-committee should grant the application as made and reject the representations which have been made.

Dated this 7th day of June 2023


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Schofield Sweeney LLP
Church Bank House
Church Bank
Bradford
BD1 4DY
Solicitors for the Applicant

Licensed Premises – Immediate Area

<u>Name</u>	<u>Address</u>	<u>Licence</u>
Premier Convenience Store	96a Holgate Road	Supply alcohol for consumption off the premises. 08:00 – 23:00 weekdays 10:00 – 22:30 Sundays
St Paul's Lodge	120 Holgate Road	Premises Licence – Live music, recorded music, activities like music/dance, facilities for making music, facilities for dancing, facility like music/dance, late night refreshment, supply of alcohol. 10:00 – 23:00 every day for all save: Alcohol 10:00 – 0:00 Monday to Saturday and 10:00 – 23:00 Sundays Late night refreshment 23:00 – 00:00 Monday to Saturday Alcohol on and off the premises Alcohol ancillary to meal – except pre-booked functions and to residents and bona fide guests.
Astor Hostels (Holgate Hill Hotel)	124 Holgate Road	Alcohol for consumption on the premises. Recorded music Late night refreshment Alcohol weekdays 10:00 - 00:00 Sundays 12:00 - 23:30 Supply at any time to residents at the premises or private friends bona fide entertained by residents at their expense. Alcohol may be supplied with a meal supplied at or carried off the premises. Restaurant – drink in conjunction with table meal or ancillary. No off sales other than to residents.

<p>Kilima Hotel (Best Western)</p>	<p>129 Harrogate Road</p>	<p>Alcohol – on/off the premises 10:00 – 23:00 weekdays 12:00 – 22:30 Sundays Late night refreshment – 30 minutes after permitted hours Recorded music No restricted hours for residents or ordering of alcohol to be carried off the premises or those being bona fide guests of a resident entertained at his expense or the taking of alcohol from the premises by a resident. Off sales to residents only.</p>
<p>The Volunteer Arms</p>	<p>5 Watson Street</p>	<p>Live music, recorded music, facility like music/dance. Supply of alcohol on/off the premises. Live music: 10:00 – 00:00 Mon - Thursday 10:00 – 01:00 Friday and Saturday 12:00 – 23:30 Sundays Recorded music timings as above Alcohol timings as above.</p>

LICENSING ACT 2003

PREMISES LICENCE

SCHEDULE 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009593

Postal address of premises: 96A Holgate Road	
Post town: York	Post code: YO24 4BB
Telephone number: 01904 654351	

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence Supply of Alcohol
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The times the licence authorises the carrying out of licensable activities:

See Annex 1 – Embedded Restrictions

The Opening Hours of the Premises No Restrictions

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Name:	Mrs Xiaorong Deng
Address:	61 Ambrose Street York YO10 4DT
Telephone number:	01904 541039
Email address:	danielleqin@hotmail.com

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
Mrs Xiaorong Deng

Annex 1 – Mandatory Conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. – (1) The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
4. – (2) 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 a holographic mark.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO 'OFF LICENCES'

Permitted Hours

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

- a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- b) On Sundays, other than Christmas Day, 10:00 to 22:30;
- c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the taking of alcohol from the premises, unless the alcohol is supplied or taken away in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Open Container

2. Alcohol shall not be sold in an open container and shall not be consumed on the licensed premises.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

None

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

No hearing held

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 23/08/2005
09/10/2013 (Transfer & DPS)

Licensing Services
Hazel Court Eco Depot
York
YO10 3DS

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

LICENSING ACT 2003

PREMISES LICENCE

SCHEDULE 12

Part A

Part 1 Premises details

Premises licence number CYC - 014775

Postal address of premises: St Pauls Lodge 120 Holgate Road	
Post town: York	Post code: YO24 4BB
Telephone number:	

Expiry date: This licence has no expiry date.

<p>Licensable activities authorised by the licence</p> <p>Live Music Recorded Music Activities like music/dance Facility for making music Facilities for dancing Facility like music/dance Late Night Refreshment Supply of Alcohol</p>

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

LIVE MUSIC
Indoors

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

RECORDED MUSIC

Indoors

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

ACTIVITIES LIKE MUSIC/DANCE

Indoors

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

FACILITY FOR MAKING MUSIC

Indoors

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

FACILITIES FOR DANCING

Indoors

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

FACILITY LIKE MUSIC/DANCE

Indoors

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

LATE NIGHT REFRESHMENT

Indoors

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

SUPPLY OF ALCOHOL

Monday 10:00 - 00:00 Tuesday 10:00 - 00:00 Wednesday 10:00 - 00:00 Thursday 10:00 - 00:00

Friday 10:00 - 00:00 Saturday 10:00 - 00:00 Sunday 10:00 - 23:00

Non Standard Timings for Late Night Refreshment and Supply of Alcohol:

These time restrictions are limited to non-residents only.

Alcohol can be supplied to residents Monday - Sunday 10:00 hours - 02:00 hours.

The Opening Hours of the Premises			
Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 00:00	Saturday 10:00 - 00:00	Sunday 10:00 - 00:00	
Non Standard Timings:			
These time restriction are limited to non-residents only.			

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Name:	Mrs Julie Dianne Stables
Address:	St Pauls Lodge 120 Holgate Road York YO24 4BB
Telephone number:	01904 611514
Email address:	None

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

Mrs Julie Dianne Stables

Annex 1 – Mandatory Conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

(1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(4) - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(4) - (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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

(5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

(6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(7) - (1) The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(7) - (2) 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 a holographic mark.

(8) The responsible person shall 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: pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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).

MANDATORY CONDITION: DOOR SUPERVISION

(1) In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or (b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed -
(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
(b) in respect of premises in relation to -
(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. There may be occasional adult entertainment events for example a stripper gram, however children will not be present.
2. The venue shall remain as a Guest House style operation, primarily offering "bed and breakfast" facility.
3. Alcohol will only be served ancillary to a meal except for the following: -
 - a) pre-booked functions (of which 48 hours notice will have been given) which may include indoor tournaments and games nights.
 - b) residents and bona fide guests.

Prevention of Crime & Disorder

4. CCTV will be installed to cover the premises and will include all areas (including outside areas) to where the public have access. It will be maintained, working and recording at all times when the premises are open. The recordings should be of

sufficient quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any responsible authority for 7 days.

5. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.

6. Drinking glasses of any type shall not be allowed to enter or leave the premise whilst under the customers care (save for the outside drinking area to the rear of the premises).

7. All OFF SALES shall be made in sealed containers (except to bona fide residents and guests for the purposes of taking alcohol to a residential room on the premises).

8. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.

9. The licensable area shall only apply to the area marked with a red line on the attached plan.

10. A capacity figure of 60 persons shall be imposed so as not to undermine the Licensing Objective "Prevention of Crime & Disorder".

Public Safety

11. External lighting is provided.

Public Nuisance

12. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premise and area quietly.

Protection of Children from Harm

13. Challenge 21 policy.

14. Children to be accompanied by an adult at all times.

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

1. No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used in or adjacent to any part of the building at any time for the purpose of external use.

2. The provision of live and recorded music and anything of a similar description, shall be limited to indoors only and shall be restricted to finish no later than 23:00 hours each and everyday.

3. The provision of facilities for dancing shall be indoors only and shall be restricted to finish at 23:00 hours on each and everyday.

4. The provision of late night refreshment, shall be indoors only and for non-residents shall be restricted to midnight Monday – Saturday and until 23:00 hours on a Sunday with no variation for notable days.
5. The supply of alcohol to non-residents shall be restricted to 10:00 hours until midnight Monday - Saturday and from 10:00 hours to 23:00 hours on a Sunday with no variation for notable days.
6. The supply of alcohol to residents shall be restricted to 10:00 hours until 02:00 hours each and everyday with no variation for notable days.
7. The hours the premises are open to the public shall be restricted to 10:00 until midnight each and everyday.
8. Noise originating from within the premises shall be inaudible at the nearest noise sensitive premises after 22:00 hours every night each and everyday.
9. All doors and windows of the licensed premises where regulated entertainment is taking place are to be kept closed after 22:00 hours every night.
10. The use of the outside pation area t be restricted to 22:00 hours every night except for the provision of smoking, which will cease at midnight. Regular patrols shall be carried out by staff to ensure there is a no congregation of customers or residents.
11. No marquees for licensable activity shall be erected to the rear of the premises.

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 09/04/2009

Licensing Services
9 St Leonard's Place
York
YO1 7ET

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

LICENSING ACT 2003

PREMISES LICENCE

SCHEDULE 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009600

Postal address of premises: Holgate Hill Hotel 124 Holgate Road	
Post town: York	Post code: YO24 4BB
Telephone number: 01904 653786	

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence Recorded Music Late Night Refreshment Supply of Alcohol

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

See Annex 1 – Embedded Restrictions

The Opening Hours of the Premises No Restrictions

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

Part 2

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

Name: Sisulu Group Ltd

Address: 1 Berghem Mews
Blythe Road
London
W1A 0HN

Telephone number: 020 7792 1234

Email address: alex.j.rivers@gmail.com

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

10023799

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

Mr Alexander Rivers

Annex 1 – Mandatory Conditions

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;
 - b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$ where –
 - i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO 'RESTAURANT AND RESIDENTIAL LICENCE'

Permitted Hours

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

- a) On weekdays (other than Christmas Day or Good Friday) 10:00 to 00:00;
- b) On Sundays (other than Christmas Day) and on Good Friday, 12:00 to 23:30pm;
- c) On Christmas Day, 12:00 to 15:00 and 19:00 to 23:30;
- d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not apply, however, in the following circumstances:

- a) Intoxicating liquor may be sold or supplied at any time to persons residing at the licensed premises or their private friends bona fide entertained by them at their own expense.

Statutory Conditions

As to the residential part of the premises:

2. There shall be afforded in the premises, for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.

3. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

4. The licensed premises shall be bona fide used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.

As to the restaurant part of the premises:

5. The licensed premises shall be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

6. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

7. This shall not prohibit, during the first thirty minutes after the end of the above hours, the consumption of the alcohol on the premises by persons taking meals there, if the alcohol was supplied for consumption as an ancillary to their meals.

As to the whole of the premises

8. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Credit Sales

9. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal; or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation; or
- c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Other conditions

10. There shall be no public bar with direct access off the street.

11. There shall be no off-sales except to residents at the hotel.

12. The sale and supply of intoxicating liquor shall be restricted to:

- a) Residents of the hotel and potential clients;
- b) Persons taking table meals at the hotel;
- c) Persons attending the hotel for bona fide functions, organised meetings, and party groups;
- d) Persons making bona fide enquiries regarding functions with (b) and (c);
- e) Persons taking a bar snack or basket type meal at the hotel.

ADDITIONAL CONDITIONS

Late Night Refreshment

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

LICENSING ACT 2003

PREMISES LICENCE

SCHEDULE 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009602

Postal address of premises:

129 Holgate Road

Post town: **York**

Post code: **YO24 4AZ**

Telephone number: 01904 625787

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence

Supply of Alcohol

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

See Annex 1 – Embedded Restrictions

The Opening Hours of the Premises

No Restrictions

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

On and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Name:	J J York Ltd
Address:	Kilima Hotel 129 Holgate Road York YO24 4AZ
Telephone number:	none
Email address:	none

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
Mr Christopher John Betteridge

Annex 1 – Mandatory Conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

7. The responsible person must ensure that –

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

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

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

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

MANDATORY CONDITION - ALCOHOL PRICING

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

2. For the purposes of the condition set out in paragraph 1 –
- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$ where –
 - i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE AND SUPPER HOURS CERTIFICATE

On Licence with no Children's Certificate

Permitted Hours

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

- a) On weekdays (other than Christmas Day or Good Friday) 10:00 to 23:00

- b) On Sundays (other than Christmas Day) 12:00 to 22:30
- c) On Good Friday, 12:00 to 22:30
- d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- e) On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken away in an open vessel
- c) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as an ancillary to the meals.
- d) the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises
- e) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered
- f) the sale of alcohol to a trader for the purposes of his trade, or to a registered club for the purposes of the club
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
- h) the taking of alcohol from the premises by a person residing there
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Children

2. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence
- b) He resides in the premises, but is not employed there
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

Credit Sales

3. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Supper Hours

1. Alcohol may be sold or supplied [for one hour following the hours set out above] and [on Christmas Day, between 15:00 and 19:00] to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for the consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the normal permitted hours as set out above shall continue to apply.

Other Conditions

- 1. No direct access from the street to any bar.
- 2. There shall be no off sales of liquor of any description except to residents.
- 3. The sale and supply of alcohol shall be limited to:
 - a) Residents and potential clients of the said premises;
 - b) Persons taking table meals at the premises;
 - c) Persons attending the said premises for bona fide functions, organised meetings and party groups;
 - d) Persons making bona fide enquiries about the possibility of residing at the said premises or taking table meals there;
 - e) Persons taking bar snacks or basket meals at the said premises.

ADDITIONAL CONDITIONS

Late Night Refreshment

The licensee may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out below.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices' Licence.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

None

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

No hearing held

For and on behalf of
The Director of Economy & Place

Date: 13/07/2005
11/09/2019 (Transfer)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

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

LICENSING ACT 2003**PREMISES LICENCE****SCHEDULE 12****Part A****Part 1 Premises details**

Premises licence number CYC - 009075

Postal address of premises: Volunteer Arms 5 Watson Street	
Post town: York	Post code: YO24 4BH
Telephone number: 01904 623068	

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence Live Music Recorded Music Facility like music/dance Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:**LIVE MUSIC**

Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 01:00	Saturday 10:00 - 01:00	Sunday 12:00 - 23:30	

RECORDED MUSIC

Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 01:00	Saturday 10:00 - 01:00	Sunday 12:00 - 23:30	

FACILITY LIKE MUSIC/DANCE

Indoors

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 01:00	Saturday 10:00 - 01:00	Sunday 11:00 - 23:30	

SUPPLY OF ALCOHOL

Monday 10:00 - 00:00	Tuesday 10:00 - 00:00	Wednesday 10:00 - 00:00	Thursday 10:00 - 00:00
Friday 10:00 - 01:00	Saturday 10:00 - 01:00	Sunday 12:00 - 23:30	

Non Standard Timings for Live Music, Recorded Music, Facility like Music/Dance and Supply of Alcohol:

A further additional hour every Bank Holiday Weekend (Friday, Saturday, Sunday, Monday).

A further additional hour the Thursday prior to Good Friday.

A further additional hour for Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the end of permitted hours New Years Day.

The Opening Hours of the Premises

Monday 10:00 - 00:30	Tuesday 10:00 - 00:30	Wednesday 10:00 - 00:30	Thursday 10:00 - 00:30
Friday 10:00 - 01:30	Saturday 10:00 - 01:30	Sunday 12:00 - 00:00	

Non Standard Timings:

A further additional hour every Bank Holiday Weekend (Friday, Saturday, Sunday, Monday).

A further additional hour the Thursday prior to Good Friday.

A further additional hour for Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the end of permitted hours New Years Day.

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

On and off the premises

Part 2

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

Name: Mr Paul Anthony Crossman
Address: 20 Rectory Gardens
York
YO23 1PB
Telephone number: 07939 121152
Email address: paul@paulcrossman.co.uk

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

Ms Helen Matheson

Annex 1 – Mandatory Conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

7. The responsible person must ensure that –

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. still wine in a glass: 125ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

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

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

- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$ where –
 - i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE

Children

1. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Credit Sales

2. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal, or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or

c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

- 1) CCTV is in operation within the premise.
- 2) Accredited proof of age cards schemes are in place.
- 3) Exterior lighting is provided.

Public Safety

- 4) A fire alarm is installed within the premise.
- 5) Emergency lighting is installed within the premise.
- 6) First aid equipment is provided on the premise.
- 7) Illuminated emergency exit signage is in place.

Public Nuisance

- 9) Litter from the outside of the premise will be collected and disposed of.
- 10) Management measures will be in place to prevent noise nuisance.

Protection of Children from Harm

- 11) Amusement with Prize Machines will be located in highly visible locations.
- 12) The hours that children are permitted to the premise will be limited.
- 13) No Entertainment of an adult or sexual nature will be provided.

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

No hearing held

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 03/08/2005
26/06/2017 (Transfer)

Licensing Services
Hazel Court EcoDepot
James Street, York
YO10 3DS

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

Licensing Hearing 12 June 2023

Holgate Bridge Hotel

Additional document submitted by Representors

- Social media posts
- Maps of the area

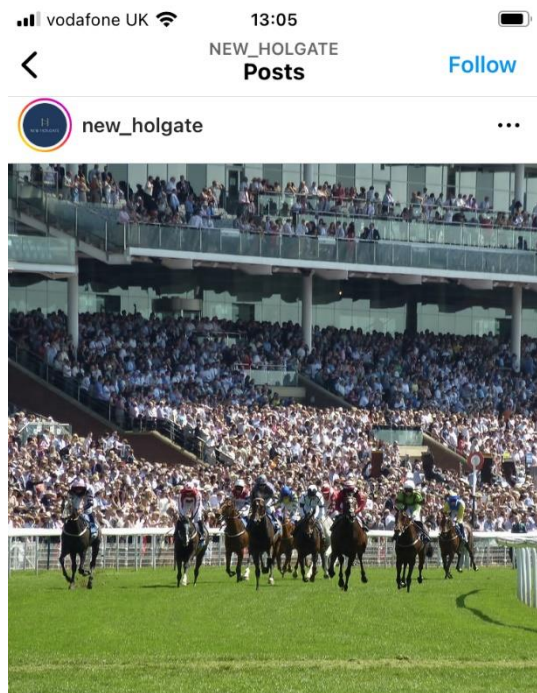
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PUBLIC NUISANCE, CRIME & DISORDER: Intensive marketing to RACES in residential area - I

The screenshot shows a LinkedIn profile for Nick Bradley on the left and a post on the right. The profile includes a header image, a circular profile picture, the name "Nick Bradley", a bio "Entrepreneurial approach to coaching, real estate, hospitality and online retail.", and a "Follow" button. The post, dated 4 months ago, begins with "I've done a thing." and describes a £2m hotel project in York. It mentions that the hotel is set to open in March and is a Grade 2 listed townhouse. The post also notes that £2m will be spent on refurbishing the property at 106-108 Holgate Road into a boutique hotel with 11 rooms and dining options. It lists amenities like hot chocolate machines and gaming stations, and mentions the hotel's location near the train station and racecourse.

This screenshot is similar to the one above, showing the same LinkedIn profile and post. A yellow circle highlights a sentence in the post: "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." The words "residential area" and "York Racecourse" are underlined in the original image.

PUBLIC NUISANCE, CRIME & DISORDER: Intensive marketing to RACES in residential area - II



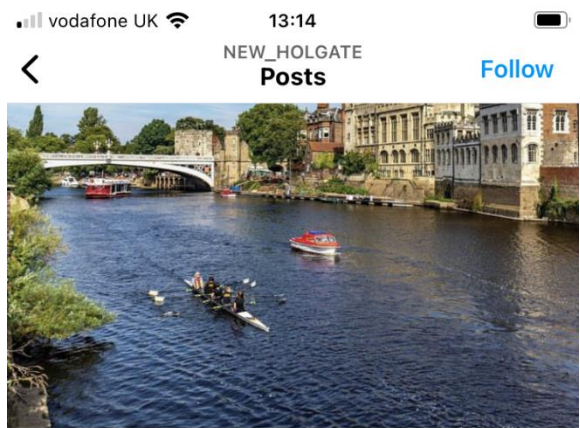
31 likes

new_holgate With Dante Festival taking place at @yorkraces this week, it's officially race season! 🏇

If you're already adding the dates of the upcoming summer race days to your calendar, make your trip even more memorable by staying at York's newest hotel.

Located less than a 5-minute drive to York Racecourse, New Holgate is perfect for those looking for a peaceful place to rest, socialise and get ready for the big race day!

Make sure to book ahead so you don't miss out. Click the link in our bio to find out more.



48 likes

new_holgate Enjoy a 'blooming' good trip to York this Spring!

There's always something exciting happening in our city. Here's just some of our favourite events that are taking place over the next few months...

- 🌸 York Fashion Week - 27 April - 1 May
- 🌸 Dante Festival at York Races - 17 - 19 May
- 🌸 York Pride - 3 June

We can't wait to open our doors soon. Click the link in our bio to sign up to our newsletter and receive updates.

9 April



41 likes

new_holgate With warmer days on the horizon, we're getting excited about all the fantastic events that will be taking place in York this Summer!

If you're planning a weekend break or a longer staycation, be sure to add these dates to your calendar...


- 🌈 @yorkpride - 3 June
- 🎵 Early Music Festival - 7 - 15 July
- 🏇 Ebor Festival at @yorkraces - 23 - 26 August
- 🌸 @yorkshireballoonfiesta - 25 - 28 August

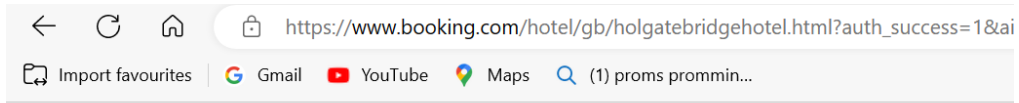
Experience York's newest hotel and book your stay with us! Save 10% when you book direct on stays until 31st July by using the code CELEBRATE10.

View all 3 comments

22 May

PUBLIC NUISANCE, CRIME & DISORDER: Intensive marketing to RACES in residential area - III

 = race days. 50% - 150% Price increase for race calendar, but not other York events.



Availability

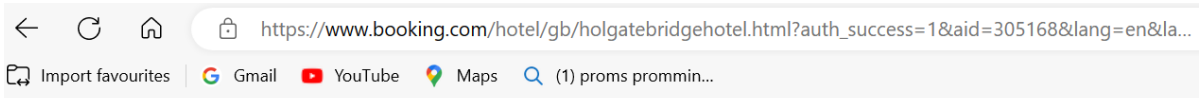
Select dates to see this property's availability and prices

Check-in — Check-out 2 adults · 0 children · 1 room

June 2023							July 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4						1	2
												£269	£161
5	6	7	8	9	10	11	3	4	5	6	7	8	9
—	—	—	—	—	—	—	£170	£179	£170	£161	£215	£242	£188
12	13	14	15	16	17	18	10	11	12	13	14	15	16
—	—	—	—	—	—	—	£188	£179	£170	£161	£269	£332	£161
19	20	21	22	23	24	25	17	18	19	20	21	22	23
—	—	—	—	—	—	—	£170	£170	£188	£170	£251	£233	£170
26	27	28	29	30			24	25	26	27	28	29	30
—	—	—	—	£224			£188	£161	£161	£161	£287	£323	£161
							31						
							£161						

Approximate prices in GBP for a 1-night stay

s sustainability by Travel Sustainable



Availability

Select dates to see this property's availability and prices

Check-in — Check-out 2 adults · 0 children · 1 room Search

August 2023							September 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6					1	2	3
	£170	£170	£170	£215	£314	£188					£224	£269	£170
7	8	9	10	11	12	13	4	5	6	7	8	9	10
£215	£170	£170	£170	£224	£269	£170	£197	£179	£197	£179	£233	£269	£197
14	15	16	17	18	19	20	11	12	13	14	15	16	17
£215	£215	£170	£188	£278	£269	£188	£179	£188	£179	£206	£251	£269	£188
21	22	23	24	25	26	27	18	19	20	21	22	23	24
£170	£251	£314	£296	£368	£359	£251	£179	£188	£188	£179	£260	£287	£170
28	29	30	31				25	26	27	28	29	30	
£170	£188	£188	£170				£179	£188	£188	£188	£224	£260	

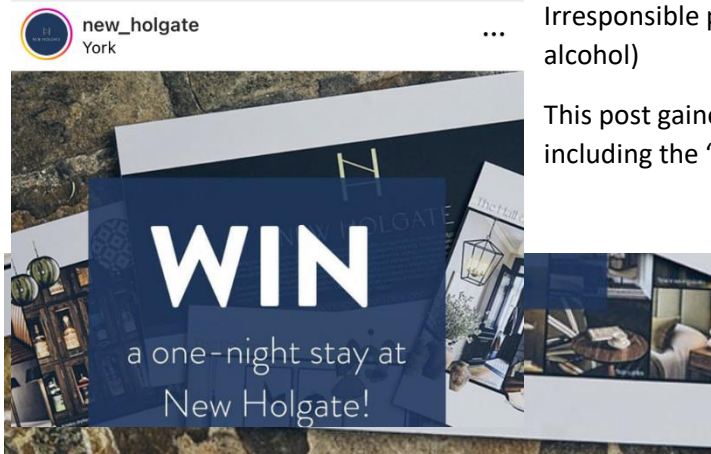
For

Two people icons

Two people icons

Two people icons

PUBLIC NUISANCE, CRIME & DISORDER: Aggressive and indiscriminate advertising appealing to adult drinking weekend party groups



Irresponsible pricing policies (complementary alcohol)

This post gained 1063 untargeted responses, including the "girls weekend" response highlighted.



628 likes

new_holgate 🍷 COMPETITION! 🍷

Win a one-night stay at York's newest hotel, New Holgate!

One lucky winner will receive a free one-night stay for two people to relax and unwind in one of our individually designed suites, as well as complimentary Yorkshire chocolates and sparkling wine.

To enter:

- 📍 Follow our page
- 👍 Like this post
- 📄 Comment below and tag the person you'd share your stay with!
- ✉️ For an extra entry, subscribe to our mailing list by clicking the link in our bio

Our competition closes on 23 May 2023 - good luck!

[View all 1,063 comments](#)



Reply

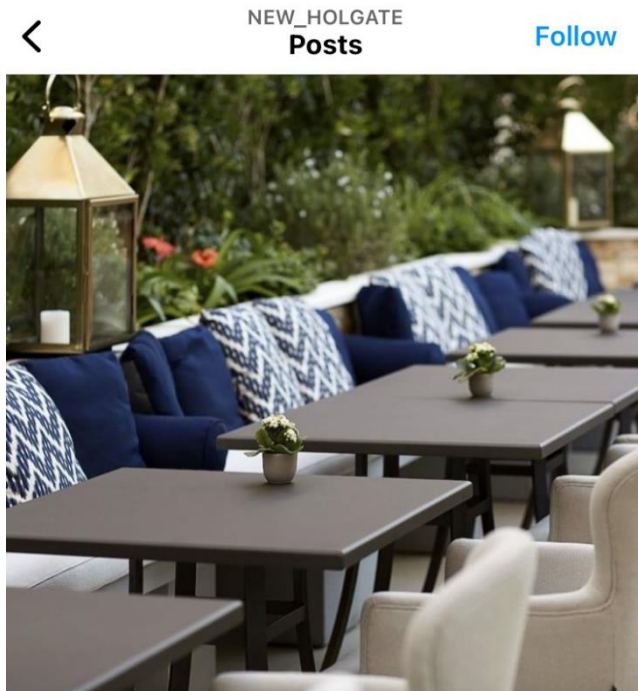


Good for a girls weekend!



PUBLIC NUISANCE: intensive use of outside area, no noise testing I

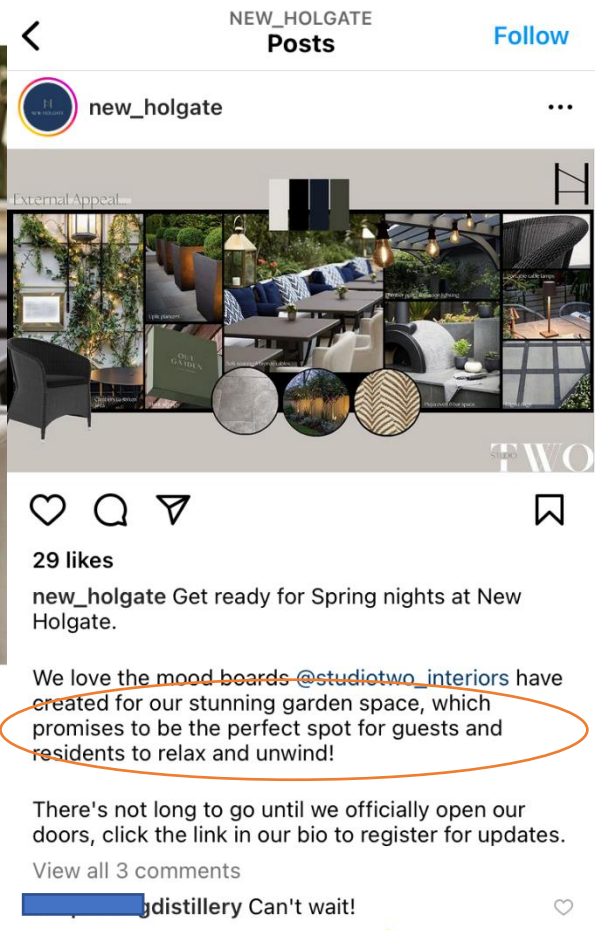
No assessment of risk of elevated noise levels due to outside drinking



59 likes

new_holgate With Summer just around the corner, we're getting excited about welcoming guests & residents to New Holgate!

Take a look at some of the inspiration images we've used to design our outdoor area, which promise to be the perfect space for drinks in the sun 🍷🍷



29 likes

new_holgate Get ready for Spring nights at New Holgate.

We love the mood boards @studiotwo_interiors have created for our stunning garden space, which promises to be the perfect spot for guests and residents to relax and unwind!

There's not long to go until we officially open our doors, click the link in our bio to register for updates.

View all 3 comments

[redacted] distillery Can't wait!

PUBLIC NUISANCE: intensive use of community amenities - I

Institute of Directors Locations About 116 Pall Mall IoD Academy Sign in Join us

Membership Training Events News Resources

New Holgate

Yorkshire & North East

New Holgate is a stylish hotel concept featuring 11 beautifully styled rooms, with sophisticated dining options and lounge areas. A new addition to York, that has been expertly designed for the entire family to enjoy.

IoD members can enjoy:

- Free access to Dining Room
- Meeting rooms are available to rent
- Free WiFi
- **Two hour free parking**
- Free access to a coffee machine

Opening hours
Monday - Saturday: 8am - 6pm

Contact
01904635971
york@newholgate.com

Venue address
106-108 Holgate Road
York
YO24 4BB

PUBLIC NUISANCE: advertising to members of public, "Two hour free parking"

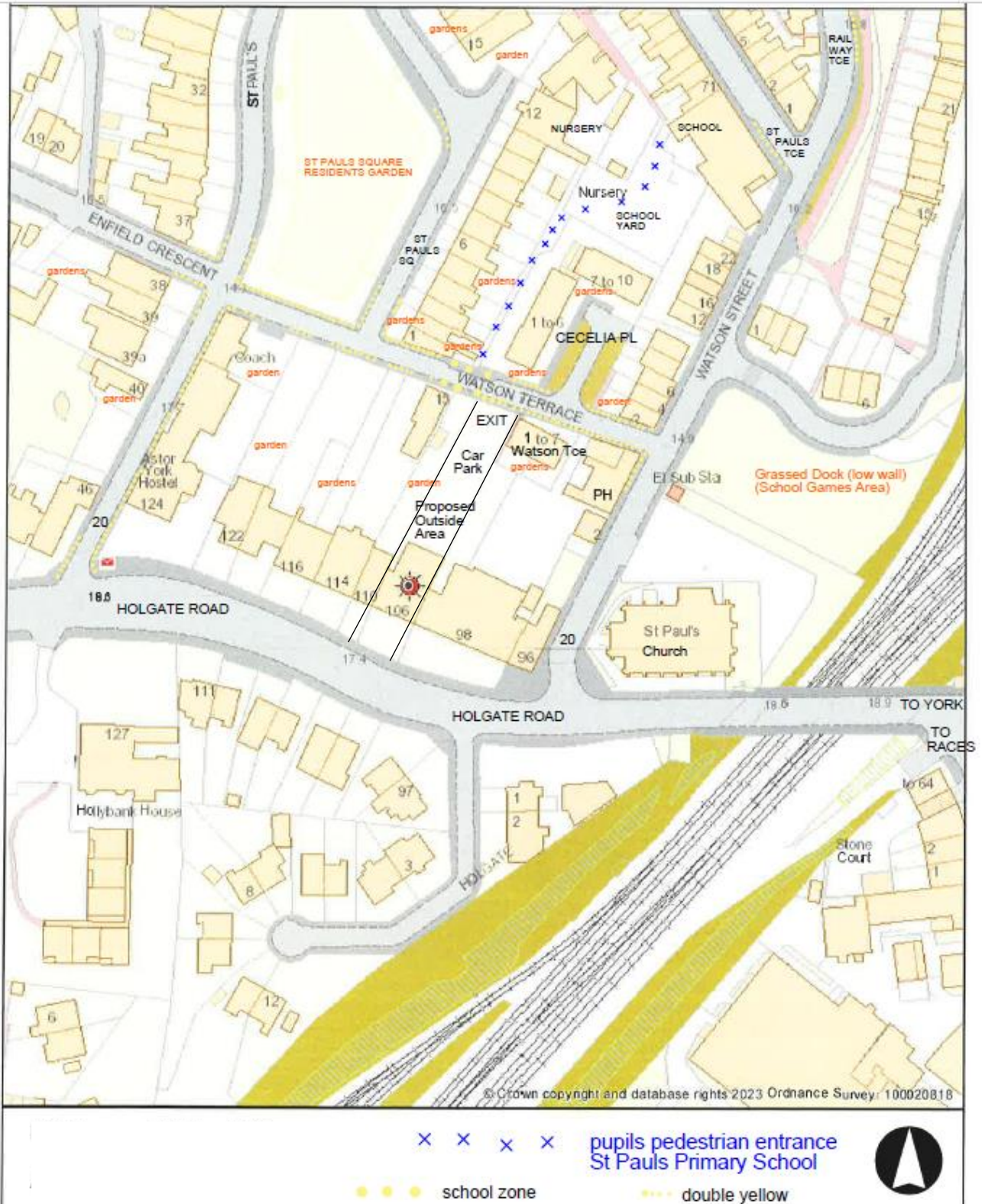
This is the 2 hour zone on Watson Street.

Used by deliveries to the Volunteer Arms and Holgate Bridge store

Shared resource for the St Pauls Church community and wider community of St Pauls.

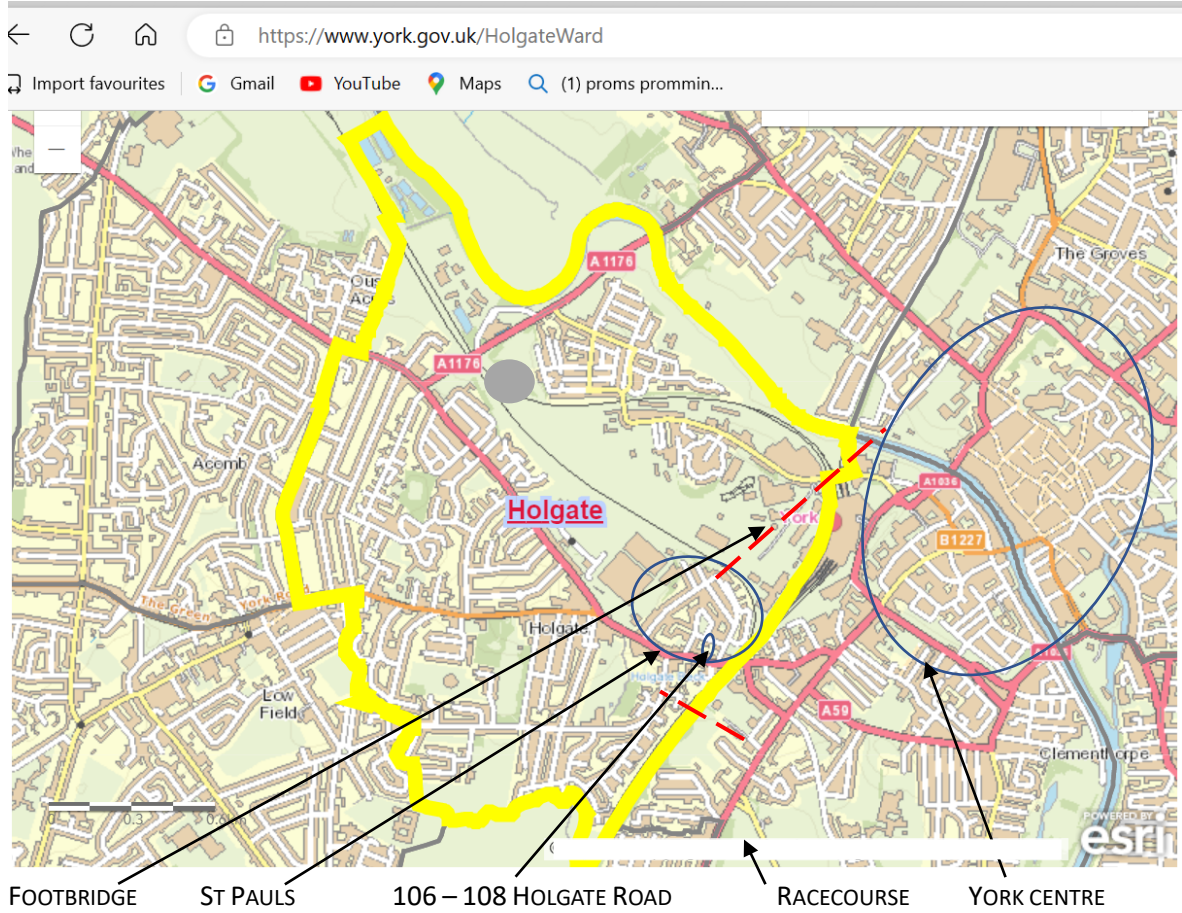
The sole section of non-residents parking in St Pauls, with parking for 7 vehicles.



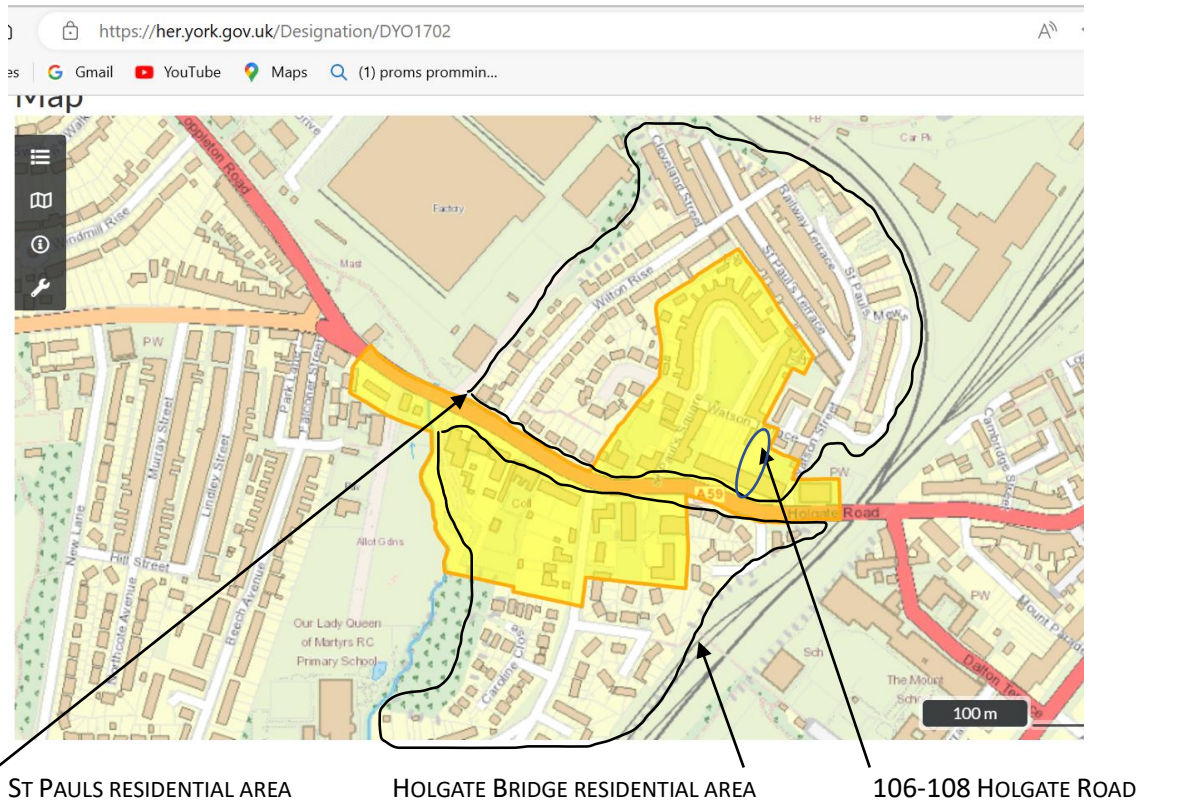


Based on Annex 3

HOLGATE WARD SHOWING ST PAULS AREA



AREA MAP OF ST PAULS CONSERVATION AREA



ST PAULS COMMUNITY

AMENITIES

RESIDENTIAL PREMISES

ADJACENT HOLGATE BRIDGE



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