
Licensing Act 2003 Sub Committee

1 February 2021

Report of the Assistant Director – Planning & Public Protection

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

Summary

1. This report seeks Members' determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 67482
3. Name of applicant: Simon Cowton
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a 10 bedroom hotel with a dining room and 8 individual glass dining pods in the rear garden of the hotel.

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

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.

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

Promotion of Licensing Objectives

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

10. **General**

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

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

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

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

12. **Public Safety**

Fire safety procedures are in place. Fire extinguishers (Foam, H₂O, CO₂). Illuminated fire exit signs and emergency lighting. All appliances inspected annually.

13. **The Prevention of Public Nuisance**

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

14. The Protection of Children from Harm

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

Special Policy Consideration

15. This premises is not located within the cumulative impact area.

Consultation

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

Summary of Representations made by Responsible Authorities

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

Summary of Representations made by Other Parties

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

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

Options

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

Analysis

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

Council Plan

35. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

36. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

37.

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

Risk Management

38. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
39. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

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

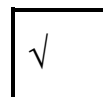
Contact Details

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Assistant Director for Planning and Public Protection.

**Report
Approved**



06/01/21

Specialist Implications Officer(s)
Head of Legal & Democratic Services
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Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

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