

Report from the Director – Environment, Transport & Planning

**Section 35(3) (a) Application for variation of a premises licence at Grays Court Hotel, Chapter House Street, York, YO1 7JH**

**Summary**

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-18630
3. Name of applicant: Helen Heraty
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises is a 12 bedroomed hotel with a cobbled courtyard, extensive gardens and is bounded by the City walls and the Minster.

The variation seeks to extend the terminal hour for the sale of alcohol until 23:30 Sunday to Thursday (currently 22:30) and add late night refreshments from 23:00 to 23:30 (Sunday to Thursday)

<b>Licensable Activity</b>	<b>Existing hours</b>	<b>Variation requested</b>
Late night refreshment – indoors & outdoors	23:00 – 23:30 Fri & Sat 24 hours for hotel residents	23:00 to 23:30 everyday 24 hours for hotel residents
Supply of Alcohol – on the premises	10:00 to 22:30 Sun to Thurs 10:00 to 23:30 Fri & Sat 24 hours for hotel residents	10:00 to 23:30 everyday  24 hours for hotel residents

	Christmas and New Years Eve until 01:00	Christmas and New Years Eve until 01:00
Opening hours	Not restricted	No Change

## Background

6. A copy of the application can be found at **Annex 1**.
7. A copy of the current licence is attached at **Annex 2**. The licence was granted on 30 August 2011.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

## Promotion of Licensing Objectives

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

## General

10. The premises licence is already heavily conditioned and the conditions in Annex 3 will apply to the revised hours for the sale of alcohol and the provision of late-night refreshment should the application be granted.

## The Prevention of Crime and Disorder

11. No additional measures offered.

## Public Safety

12. No additional measures offered.

## The Prevention of Public Nuisance

13. No additional measures offered.

## The Protection of Children from Harm

14. No additional measures offered.

## **Special Policy Consideration**

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

## **Consultation**

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

## **Summary of Representations made by Responsible Authorities**

18. North Yorkshire Police have mediated with the applicant who has agreed a modification to the operating schedule which can be seen at **Annex 4**. Therefore, North Yorkshire Police have not made any representations to this application.

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

19. There have been 5 relevant representations received from other persons. The list of representors is attached at **Annex 5**.
20. The representations are predominantly based on the grounds of the prevention of public nuisance. They state that this objective will be undermined if the application is granted.
21. Copies of the representations are attached at **Annex 6**.
22. A map showing the general area around the venue is attached at **Annex 7**.
23. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 8**. The Legislation and Policy considerations can be found at **Annex 9**.

24. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
25. Option 1: Modify the conditions of the licence
26. Option 2: Reject the whole or part of the application. and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

### **Analysis**

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

### **Council Plan**

30. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
31. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications, the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan 'One City, for all'.

### **Implications**

32.
  - **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**

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

### **Recommendations**

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

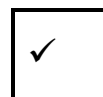
## Contact Details

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**Report  
Approved**

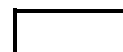


**Date**

**31 October  
2023**

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

**Wards Affected:** Guildhall



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

### **Background Papers:**

None.

### **Annexes:**

**Annex 1** - Application form and plan

**Annex 2** - Copy of current licence and plan

**Annex 3** - Overview of circumstances in which entertainment activities  
are not licensable

**Annex 4** - Agreements made with North Yorkshire Police

**Annex 5** - List of other persons - **CONFIDENTIAL**

**Annex 6** - Other persons representations

**Annex 7** - Map of area

**Annex 8** - Mandatory Conditions

**Annex 9** - Legislation & Policy