

Licensing Hearing

To: Councillors Moore, B Watson and I Waudby
Date: Monday, 17 July 2006
Time: 10.00 am
Venue: The Guildhall

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 2a and 4 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by Hotel du Vin Ltd for a provisional statement [Section 31(3)(a) in respect of 89 The Mount, York. (CYC-011565)

If you require any further information, please contact Tracy Wallis on Tel 01904 551027 or Fax 01904 551035 or email tracy.wallis@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties

13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 613161 for this service.

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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to; and
- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities

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Licensing Act 2003 Sub Committee**17 July 2006**

Report of the Director of Neighbourhood Services

Section 31(3)(a) Determination of Application for a Provisional Statement for**Summary**

1. This report seeks Members determination of an application for the grant of a provisional statement which has been made under the Licensing Act 2003.

Application reference number: CYC-011565

2. Name of applicant: Hotel du Vin York
3. Type of authorisation applied for: Provisional Statement
4. Summary of application: The intention is for the premises to operate as a hotel, bar and brasserie with alcohol sales for consumption on and off the premises. Licensable activities applied for include supply of alcohol, provision of regulated entertainment consisting of live and recorded music, performance of dance, the provision of entertainment facilities for making music and dancing, and the provision of late night refreshment. All licensable activities to take place between 09:00 hours and 00:00 hours daily; and from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. Private functions to cease at 01:00 hours. The supply of alcohol will be 24 hours for residents.
5. A copy of the application is attached at Annex 1.

Background

6. A provisional statement can be applied for where premises are being or are about to be constructed for the purpose of being used for one or more licensable activity, or are being or are about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose). "Provisional statement" means a statement issued under s31(2) or (3)(c) of the Licensing Act 2003 (the Act). An application under this section must also be accompanied by a schedule of works which will include a statement made by or on behalf of the applicant including particulars of the premises to which the application relates and of the licensable activities for

which the premises are to be used; plans of the work being or about to be done at the premises; and such other information as may be prescribed.

7. A provisional statement does not 'convert' into a premises licence on completion of the construction or development and a subsequent application for the grant of a premises licence will be required.

Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that, in addition to existing conditions attached to the current licence, the licensing objectives would be met as follows:
9. The prevention of crime and disorder: 1) CCTV. 2) Door staff.
10. The prevention of public nuisance: 1) Sound proofing.

Special Policy Consideration

11. This premise is not located within the special policy area.

Consultation

12. 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.

Summary of Representations made by Responsible Authorities

13. No representations were received from responsible authorities relating to this application.

Summary of Representations made by Interested Parties

14. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
15. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which representations were received is attached at Annex 5. One representor is from the South Esplanade area and one is from the Tower Street area. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.

16. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Options

17. By virtue of s31(3)(b) the Committee must determine whether, on the basis of representations and the provisional statement application, it would consider it necessary to take any steps under section 18(3)(b) (which refers to s18(4)) if, on the work being satisfactorily completed, it had to decide whether to grant a premises licence in the form described in the provisional statement application.
18. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
19. Option 1: Grant the provisional statement in the terms applied for.
20. Option 2: Grant the provisional statement with modified/additional conditions imposed by the licensing committee.
21. Option 3: Grant the provisional statement to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
22. Option 4: Reject the application.

Analysis

23. The following could be the result of any decision made this Sub Committee:-
24. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
25. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
26. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
27. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Objectives

28. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

29. These directly contribute to the Council's Safer City priority and corporate aim 4.
30. In addition the licensing objectives of public safety and prevention of public nuisance contribute towards corporate objective 1.4 – protection of residents from pollution, public health and safety hazards.

Implications

31.
 - **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

32. In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
33. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the objectives of this report.

Recommendations

34. Members determine the application.

Contact Details

Author:

Author

John Lacy
Acting Licence Manager

Licensing & Regulation

Chief Officer Responsible for the report:

Chief Officer Responsible for the Report:

Andy Hudson
Assistant Director
Neighbourhood Services

Report Approved

Date 7 July 2006

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal & Democratic Services
Civic Democratic & Legal Services
551004

Wards Affected: Micklegate

All

For further information please contact the author of the report

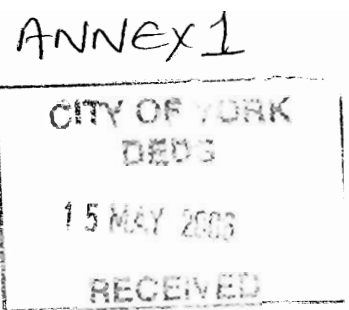
Background Papers:

Licensing Act 2003
Secretary of State's Guidance issued under section 183 of the Licensing Act 2003
Explanatory Notes to the Licensing Act 2003
Regulations to the Licensing Act 2003
City of York Council Statement of Licensing Policy made under the Licensing Act 2003

Annexes:

- Annex 1** - Application form
- Annex 2a (Confidential)** - List of Interested Parties
- Annex 2b** – List of Interested Parties
- Annex 3** - Representations from Interested Parties
- Annex 4 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 5** - Map showing general area from which representations received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations

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**Application for a provisional statement to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Hotel du Vin York

(Insert name(s) of applicant)

apply for a provisional statement under section 29 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 89 The Mount			
Post town	York	Post code	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0 47,750.00

Part 2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name Hotel du Vin Limited
Address 1 West Garden Place Kendal Street London W2 2AQ
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association) Limited Company
Telephone number (if any)
E-mail address (optional)

What is the nature of your interest in the premises?

Hotel, Bar and Brasserie

Part 3 – Schedule of works

Is the premises

Please tick yes

- about to be constructed
- being extended or altered

Please give details of the work and please attach plans of the work being done or about to be done at the premises
Please see attached plans

Please give particulars of the premises to which the application relates (please read guidance note 1)

The premises are being altered and refurbished into a Hotel du Vin establishment

Which licensable activities will the premises be used for?

Provision of regulated entertainment

Please tick Yes

- a) plays (optional, fill in box A)
- b) films (optional, fill in box B)
- c) indoor sporting events (optional, fill in box C)
- d) boxing or wrestling entertainment (optional, fill in box D)
- e) live music (optional, fill in box E)
- f) recorded music (optional, fill in box F)
- g) performances of dance (optional, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (optional, fill in box H)

Provision of entertainment facilities:

- i) making music (optional, fill in box I)
- j) dancing (optional, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (optional, fill in box K)

Provision of late night refreshment (optional, fill in box L)

Supply of alcohol (optional, fill in box M)

Complete boxes N, O and P (optional)

Part 4 – OPTIONAL – you may fill in this section if you choose to

General description of premises (please read guidance note1)
 Hotel, Bar and Brasserie with alcohol sales for consumption on or off the premises

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Live music may be amplified or non-amplified		
Mon	09:00	00:00			
Tue	09:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31 st December until the usual close of business on the evening of the 1 st of January		
Wed	09:00	00:00			
Thur	09:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) Private functions may carry on up to 01:00		
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Recorded music will be amplified and non amplified		
Mon	09:00	00:00			
Tue	09:00	00:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January		
Wed	09:00	00:00			
Thur	09:00	00:00			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00		
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00		<u>Please give further details here</u> (please read guidance note 3) On occasion there may be a performance of dance	Both	<input type="checkbox"/>
		00:00			
Tue	09:00		<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January		
		00:00			
Wed	09:00		<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00		
		00:00			
Thur	09:00				
		00:00			
Fri	09:00				
		00:00			
Sat	09:00				
		00:00			
Sun	09:00				
		00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	09:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09:00	00:00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	09:00	00:00			
Thur	09:00	00:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January		
Fri	09:00	00:00			
Sat	09:00	00:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00		
Sun	09:00	00:00			

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> The provision of equipment for the amplification of sound both recorded and live	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	09:00	00:00		
Tue	09:00	00:00		
Wed	09:00	00:00		
Thur	09:00	00:00		
Fri	09:00	00:00		
Sat	09:00	00:00		
Sun	09:00	00:00		
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January	
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon	09:00	00:00	<u>Please give further details here</u> (please read guidance note 3)	
Tue	09:00	00:00		
Wed	09:00	00:00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January	
Thur	09:00	00:00		
Fri	09:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00	
Sat	09:00	00:00		
Sun	09:00	00:00		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	09:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09:00	00:00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	09:00	00:00			
Thur	09:00	00:00	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January		
Fri	09:00	00:00			
Sat	09:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00		
Sun	09:00	00:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) Private functions may carry on up to 01:00		
Sat	23:00	00:00			
Sun	23:00	00:00	The premises is a Hotel and the supply of late night refreshment will be available to residents 24 hours a day		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <p>There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January</p> <p>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>Private functions may carry on up to 01:00</p> <p>The premises is a Hotel and the supply of alcohol will be available to residents 24 hours a day</p>		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) There shall be no interruption to the operation of the premises between the usual opening hour on 31st December until the usual close of business on the evening of the 1st of January
Day	Start	Finish	
Mon	09:00		<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>The premises are a Hotel and as such are open to the public 24 hours a day, 7 days a week. There is a security night porter on duty each night from midnight when the premises will be locked. Residents are able to access the premises with a key or may enter the building with the assistance of the security night porter. Members of the public may book into the Hotel after midnight via the security night porter.</p>
Tue	09:00		
Wed	09:00		
Thur	09:00		
Fri	09:00		
Sat	09:00		
Sun	09:00		

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The Hotel which will occupy the premises is part of a National chain of high quality Hotels and will be built to the highest specification and will include facilities for CCTV coverage, appropriate sound proofing and door staff.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

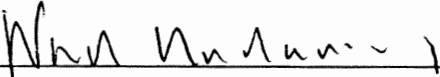
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plans of the works to be done at the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	11 May 2006
Capacity	Solicitors for the Applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

**Hotel du Vin (York)
89 The Mount
York**

Pre-Application Sketch Design for conversion of 89 The Mount, York.

Prepared by:

Michael Phillips Architects Ltd
Great Ballard Lodge
Fernhill Lane
New Milton
Hampshire BH25 5ST

Page 36

For:

The Hotel du Vin Ltd

1 West Garden Place
Kendal Street
London W2 2AQ



27th January 2006

27th January 2006

Pre-Application Sketch-design Statement for:-
Conversion and Extension at 89 The Mount, York to create:-

The Hotel du Vin (York)

Stephen Rodwell of The Marleybone Warwick Balfour Group and the writer visited York on 25th October to meet an assembled local planning team which included a senior planner, highways officer, landscape officer, conservation officer and archeologist. After general introductions and a brief description of the Hotel du Vin group as well as some background about we, their architects, an outline sketch scheme for 89 The Mount was tabled and described.

The reactions to our outline proposal were generally very positive and, a proposed change of use for the property to **Hotel and Leisure**, from **Commercial Offices and/or Residential** was viewed favorably by all parties around the table. This prompted continued interest by our clients in acquiring the property and culminated on 29th December 2005 with completion of an un-conditional freehold purchase. The purchase was buoyed by a confidence that York is a prime venue for a classic Hotel du Vin development.

York has been a focus of acquisition and expansion for the Hotel du Vin group for several years. In fact, it was a heavily sought after venue prior to the Harrogate and Henley developments. York's magnificent historic city centre (now a complete conservation area), coupled with an increase in professional business activity in the locale and, the city traditionally being recognised as the cultural 'Capitol of the North' has rendered the venue an obvious location for a Hotel du Vin.

The property at 89 The Mount is a heavily wooded, yet still urban site, just out of the city centre. The Mount is one of the primary arteries into and out of York's city centre and, the proximity of the city centre, which is easily within walking distance, makes the property an obvious opportunity for a Hotel du Vin. The property also has a charming, leafy and tranquil setting which merely adds to the potential relaxed ambience of a proposed Hotel du Vin there.

Copies of a planning permission and, accompanying plans for 89 The Mount were delivered to me by Shepherd Homes in late September 2005. Review of the documents suggested that the planning permission for conversion of the vacant building to residential accommodation; the extension blocks of housing and the accompanying access provisions, had been hard won and, significant pressure had been brought to bear, to ensure retention of the existing Grade 2 listed building on the property, as well as the selection of mature trees that are there.

We decided not to re-invent the wheel in this regard and, approached the design of the scheme for a Hotel du Vin which would respect the noted sensitivities of the site. Using the approximate footprints of the residential blocks and, reducing the overall heights of the proposed residential extensions, we have developed a sketch scheme that contains 42 appropriately sized guestrooms and each has an en-suite bathroom of generous proportions. The smallest room is 5m x 3.4m excluding its en-suite bathroom and, the rooms all have individual strengths and benefits, continuing the brand's-trend for another Hotel du Vin with a broad range of large, individual and 'quirky' bedrooms set in a very amenable location.

Continued.....

There are three large feature suites in the attic spaces, each with private staircase access. They are approximately 8m x 4.6m with two at 7m x 7m. each The suites have several exciting features; sloping ceilings, exposed roof structures, dormer windows, indirect lighting and open plan sitting/relaxing areas. Each has the opportunity for two separate bathroom areas or, one bathroom and a dressing room.

The public guest facilities are all disposed around the ground floor of the listed building which aids compliance with the DDA and avoids resorting to expensive and contrived circulation gymnastics. The entry sequence is clear and elegant, utilising the existing main entry sequence of the listed building which is centrally placed off of the drive-in, drive-out vehicular access way.

Reception leads through to the bar and, a new single storey, feature roof-lit extension will provide the trade mark Bistro restaurant. This facility is also carefully placed so that it fronts onto The Mount to advertise itself as the lively and vibrant lunch-time and dinner restaurant-venue that it will undoubtedly become. The kitchen is located in the ground floor of the existing coach-house (garaging block) which is to be retained and extended.

The Meeting Suite comprises two full service meeting / function rooms off of the central circulation (which means it can be used for break-outs) and each meeting room overlooks and is accessible to the property's rear Garden. Across the central hallway we will have a Billiards Room. All public guest-facilities make use of the large and elegant listed building plan-form of spaces without too much alteration. We have endeavoured to restore the original plan-form of the listed house rather than reconfigure it. We trust that such respect for the listed structure may streamline the progress of the scheme through applications for change of use and listed building(s) consents.

We have also arranged the new extensions to the property to create an exterior courtyard with roofed-in veranda around all four sides. This will offer a quiet, contemplative exterior 'room' and, as it is arranged immediately adjacent to the Bistro, it can also function as an elegant al-fresco dining venue during balmy summer weather. The proposed new extensions are placed so that they do not dominate the existing listed building; in fact, the extensions serve to visually 'frame' the existing building as the central feature element of the development.

Archeological issues at the site are also sensitive and an archeological dig has been undertaken recently. A stone sarcophagus has been discovered and we understand that additional recording and, 'sealing in-place' works have since been undertaken for this item.

It should also be noted that we have included four executive-style, four bedroom, city-centre houses in the sketch design. These will form a separate 'Mews' development to the rear of the site with separate, dedicated access drive and car-parking provisions. They capitalise somewhat on the residential planning approval currently in-place for the property and, could offer upper and mid-management accommodations for key members of the Hotel's staff.

Continued.....

In conclusion; the hotel so sketch-designed represents we feel, a worthy addition to the portfolio of properties that the brand has developed thus far. It will be another elegant yet quirky and contemporary development with a significant (and 'much loved' by locals) listed building as its centre-piece. Located just out of the city centre yet still easily within walking distance, the hotel will very quickly establish a presence for the HdV brand in the culturally sophisticated and historic northern city of York.

The Hotel du Vin group source most of their key personnel and support staff from the local areas surrounding their hotels. York will be no exception to this rule and some 40 to 50 staff will be required to provide the daily operational and guest service levels that the Hotel group has become famous for. Thus, local employment statistics will be enhanced by this development but perhaps the most positive benefit (if somewhat intangible at this stage) will be the 'attraction' qualities of having a Hotel du Vin in the city of York.

This proposition has been more than proved in the previous 8 venues where Hotel(s) du Vin are present. It is fair to say that the group is always a welcome and contributory member of the commercial fabric in any city location that they are established in.

The York development also represents a rare opportunity for the HdV brand and, it is worthy of a second, concluding mention that attempts to establish a presence in York have been on-going for several years. Previous investigations have invariably been thwarted by the lack of appropriate properties in the right micro-location or, by the cost of acquisition and finally by planning and listed-building difficulties of otherwise appropriate development sites. 89 The Mount can be viewed therefore as; 'the development opportunity' that we have been seeking in the locale.

End of Sketch Design Statement.

Michael Phillips BA Dip Arch RIBA

Project

Hotel Du Vin
 89 The Mount
 York

Drawing

Proposed Basement and
 Ground Floor Plan

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Scale

1:100

Date

January 06

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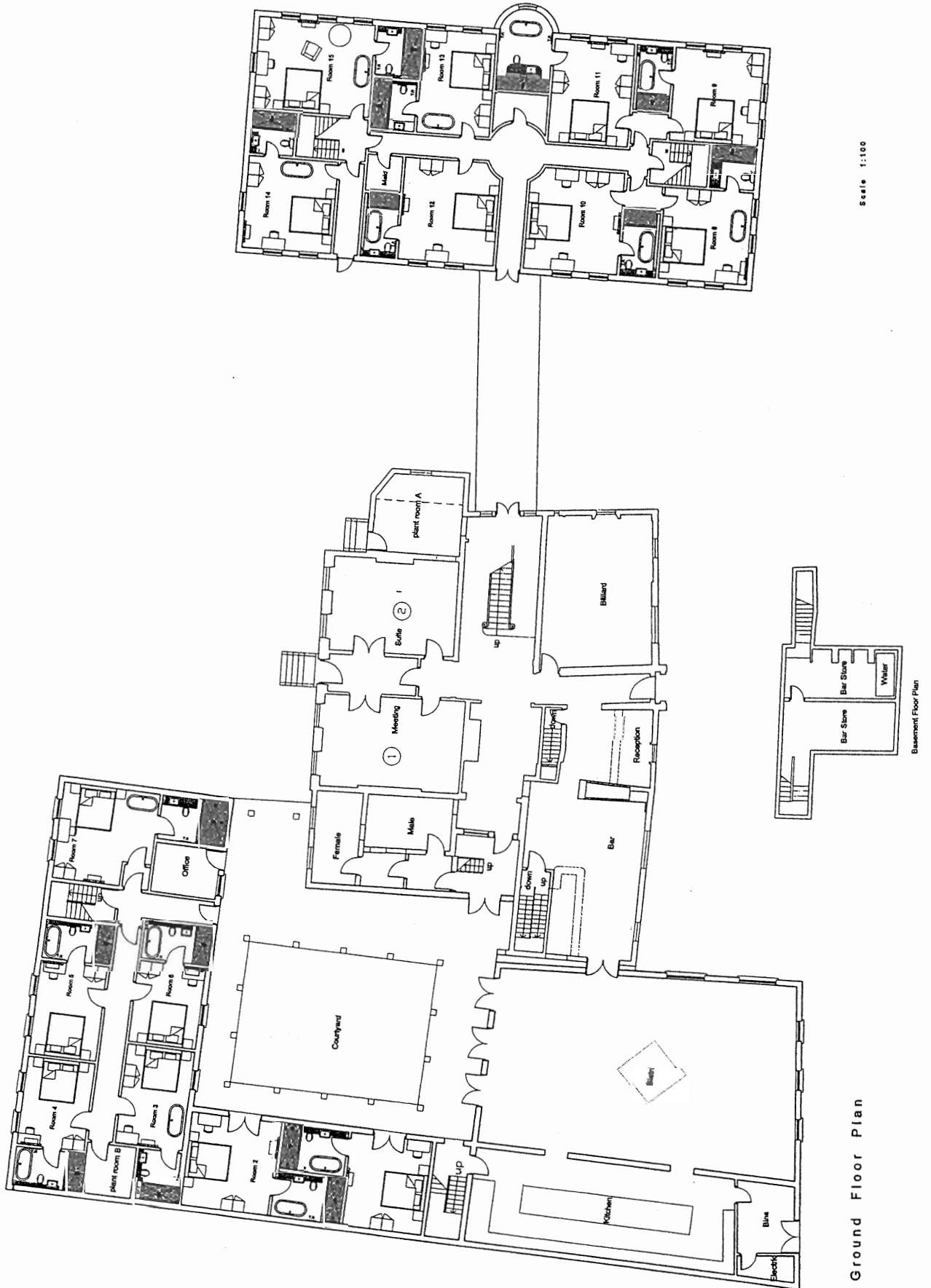
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Number

PL 08

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 circumstances which might
 affect the project.

Revisions



Ground Floor Plan

Scale 1:100

Basement Floor Plan

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Project
 Hotel Du Vin
 89 The Mount
 York

Drawing
 Proposed First Floor Plan

Scale
 1:100

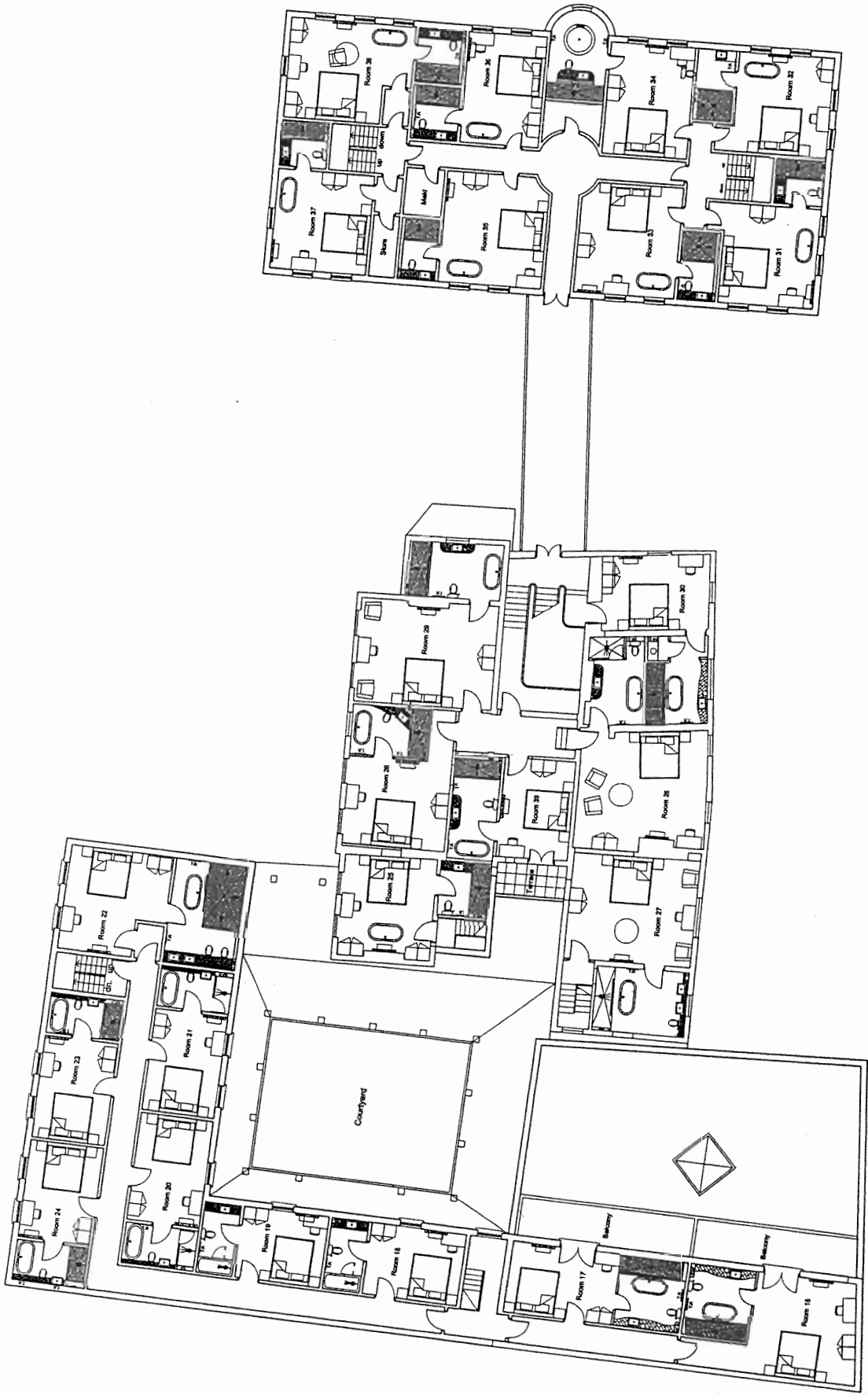
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Revisions



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Ground Floor Plan

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Project

Hotel Du Vin
89 The Mount
York

Drawing

Proposed Second Floor Plan

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January 05

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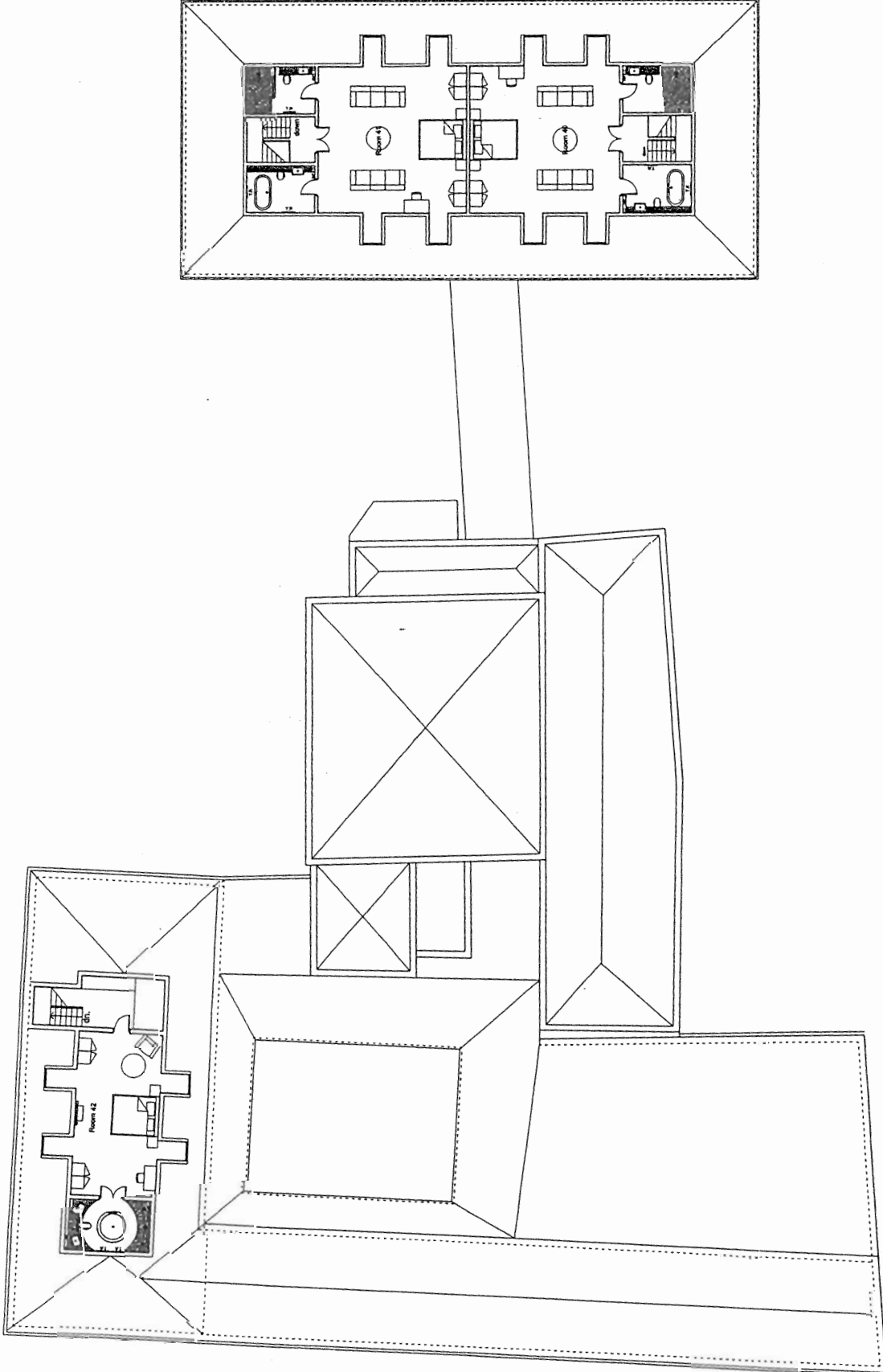
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Revisions



Scale 1:100

Project
Hotel Du Vin
89 The Mount
York

Drawing
Proposed Roof Plan

Scale
1:100

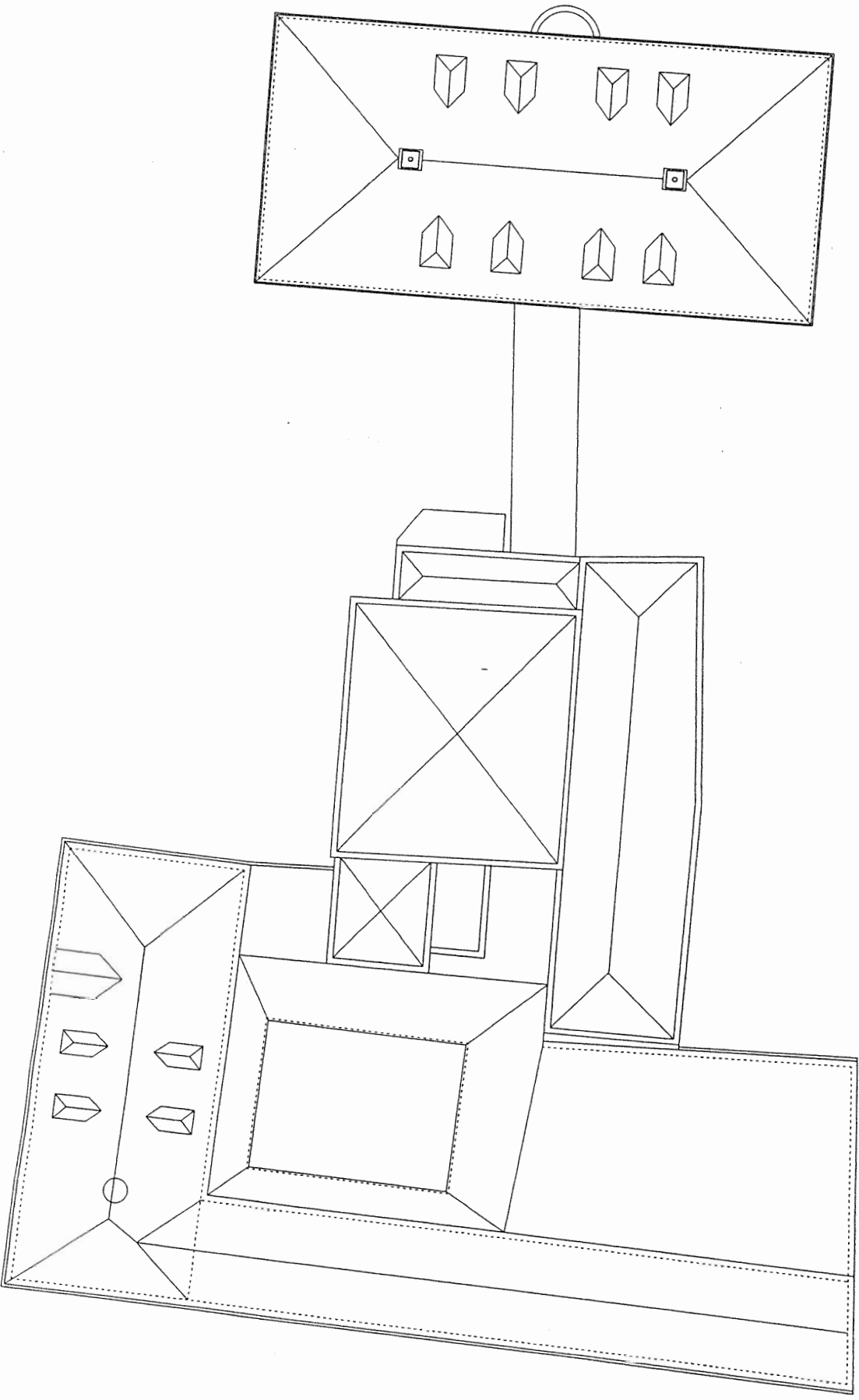
Date
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PL 11

Page 44

Revisions



Scale 1:100

Roof Plan

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 Email: info@mpa.com

Project
 Hotel Du Vin
 89 The Mount
 York

Drawing
 Proposed Elevations

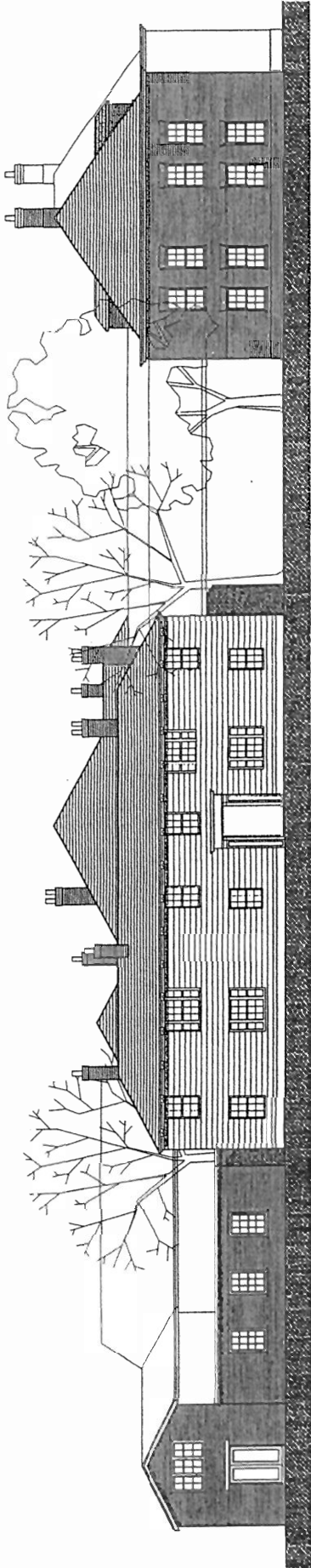
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Date
 January 05

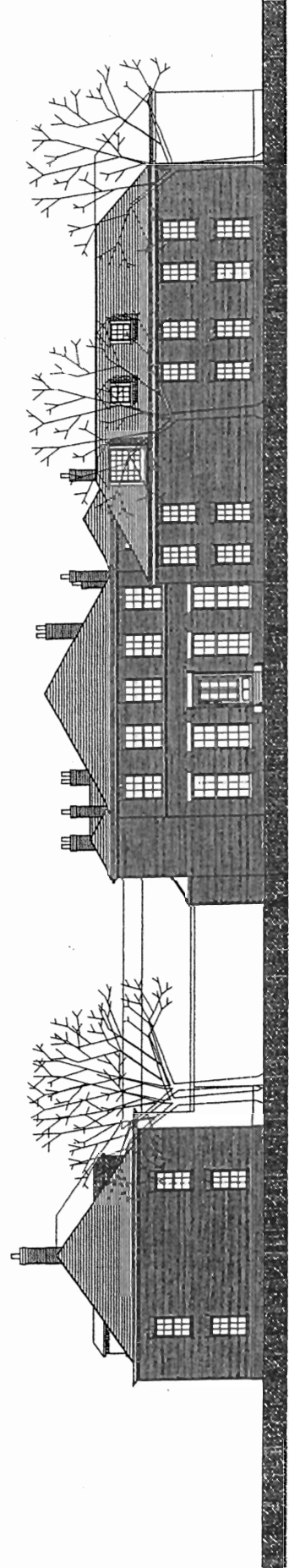
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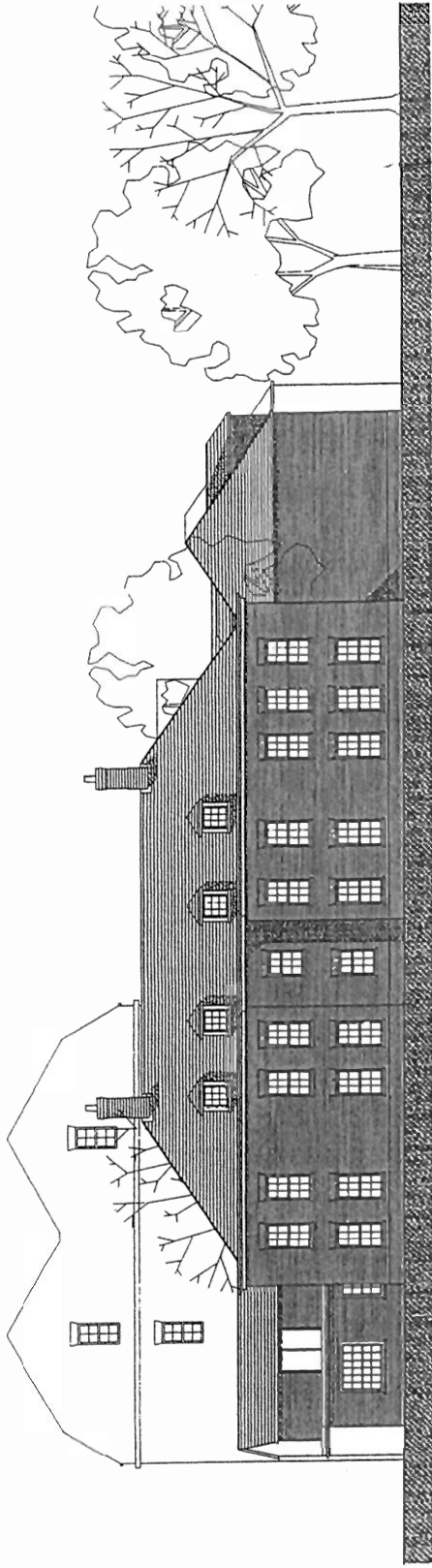
West Elevation (Front)

Scale 1:100

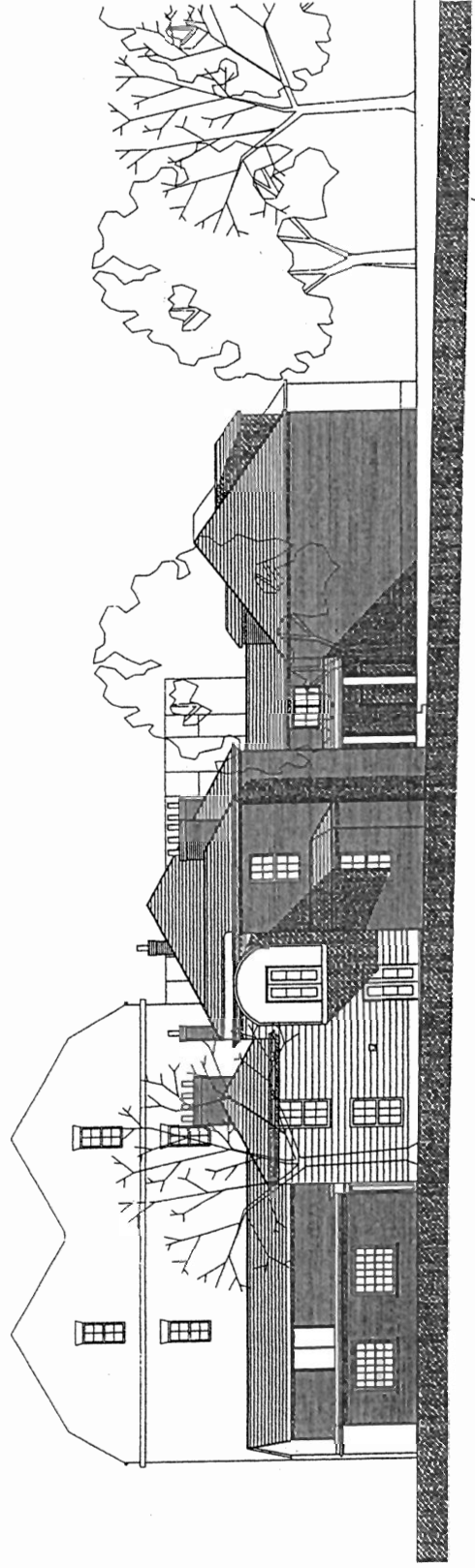


East Elevation (Rear)

Scale 1:100



South Elevation (from Scarcroft Road)



South Elevation (from bridge between existing and new building)

Project

Hotel Du Vin
69 The Mount
York

Drawing

Proposed Site Plan
At Ground Floor Level

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Scale

1:200

Date

January 06

Number

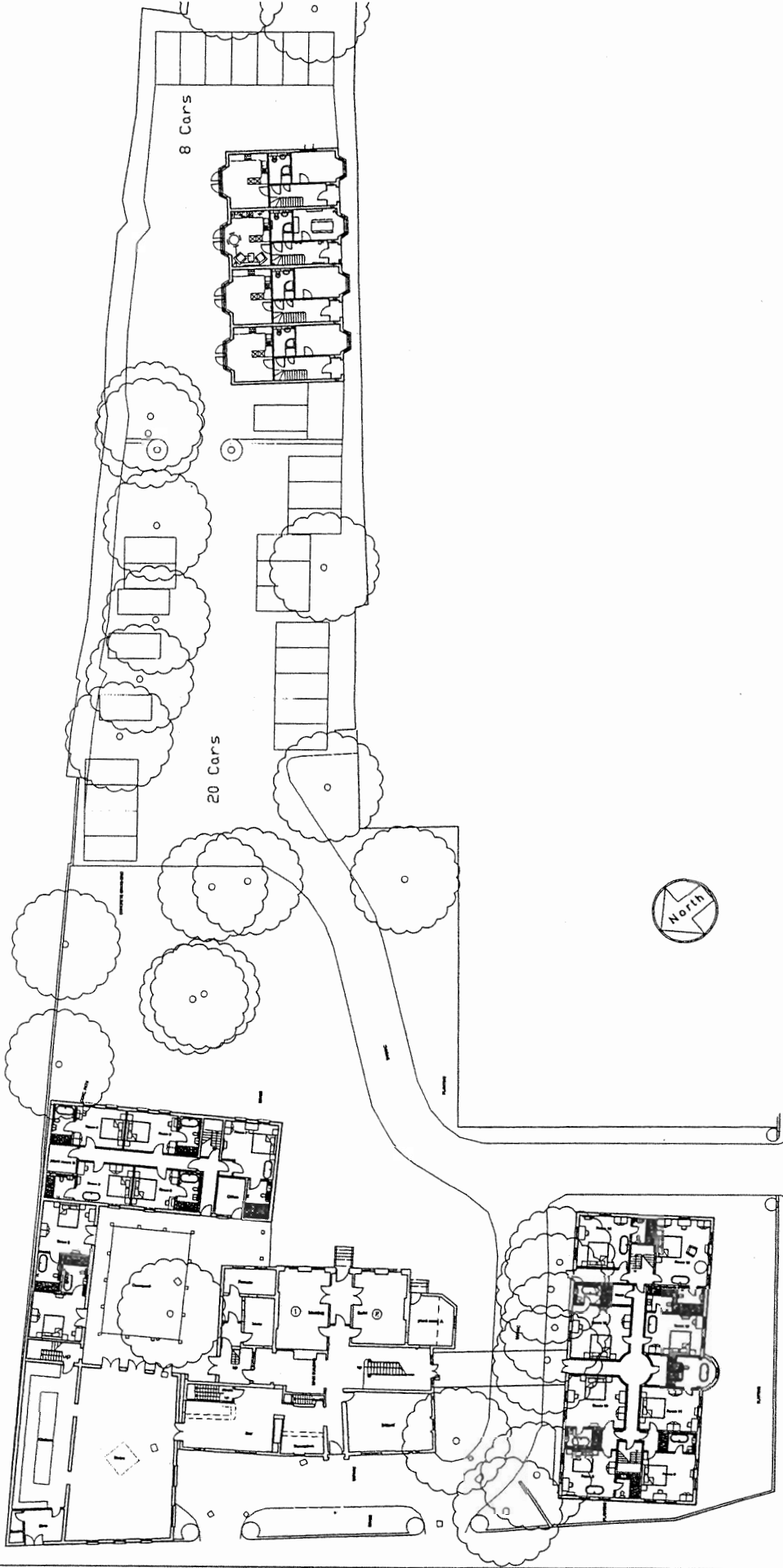
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Site Plan at Ground Level

Scale 1:250

Survey Drawings of the property at 89 The Mount, York.

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Project
 Hotel Du Vin
 89 The Mount
 York

Drawing
 Site Plan Survey

Scale
 1:200

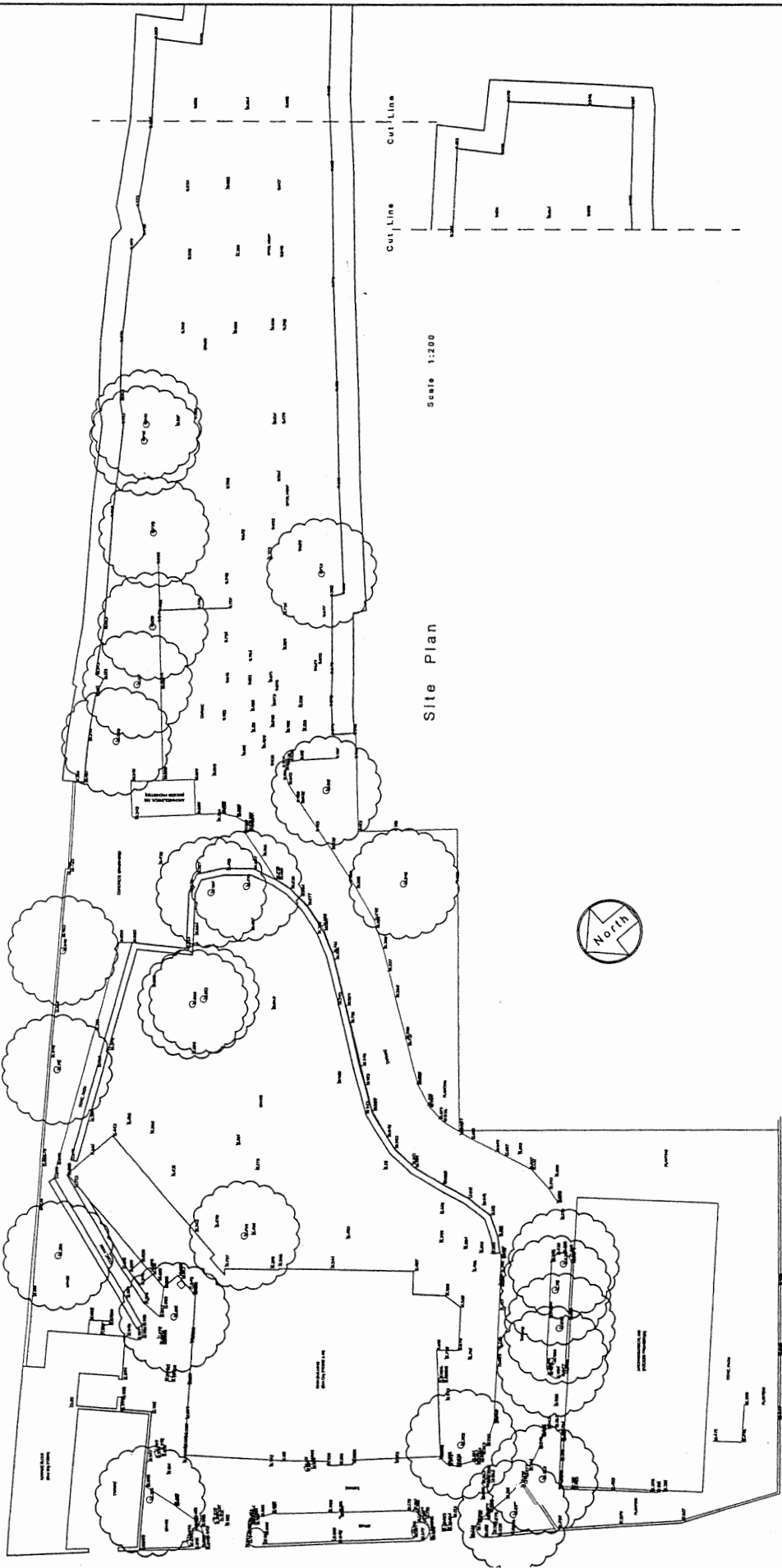
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Project

Drawing
 Main Building Survey
 Sections AA BB

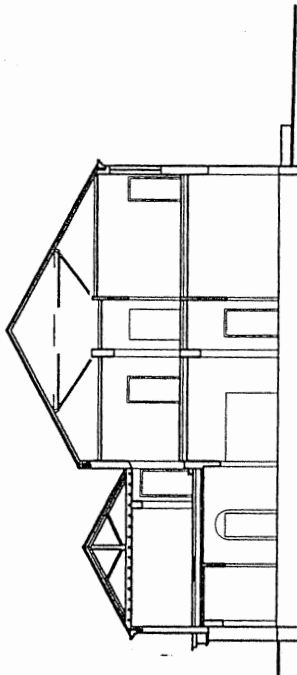
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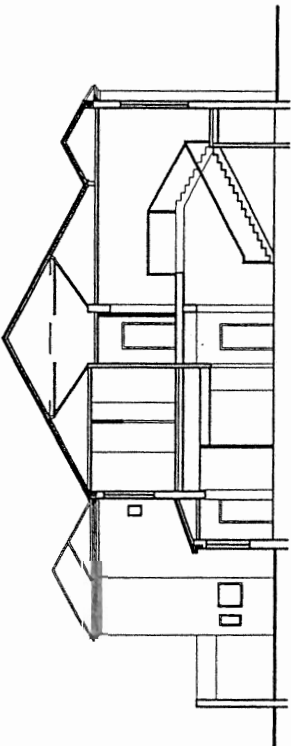
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Section BB



Section AA

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Project
 Hotel Du Vin
 89 The Mount
 York

Drawing
 Basement, Ground and
 First Floor Survey Plans

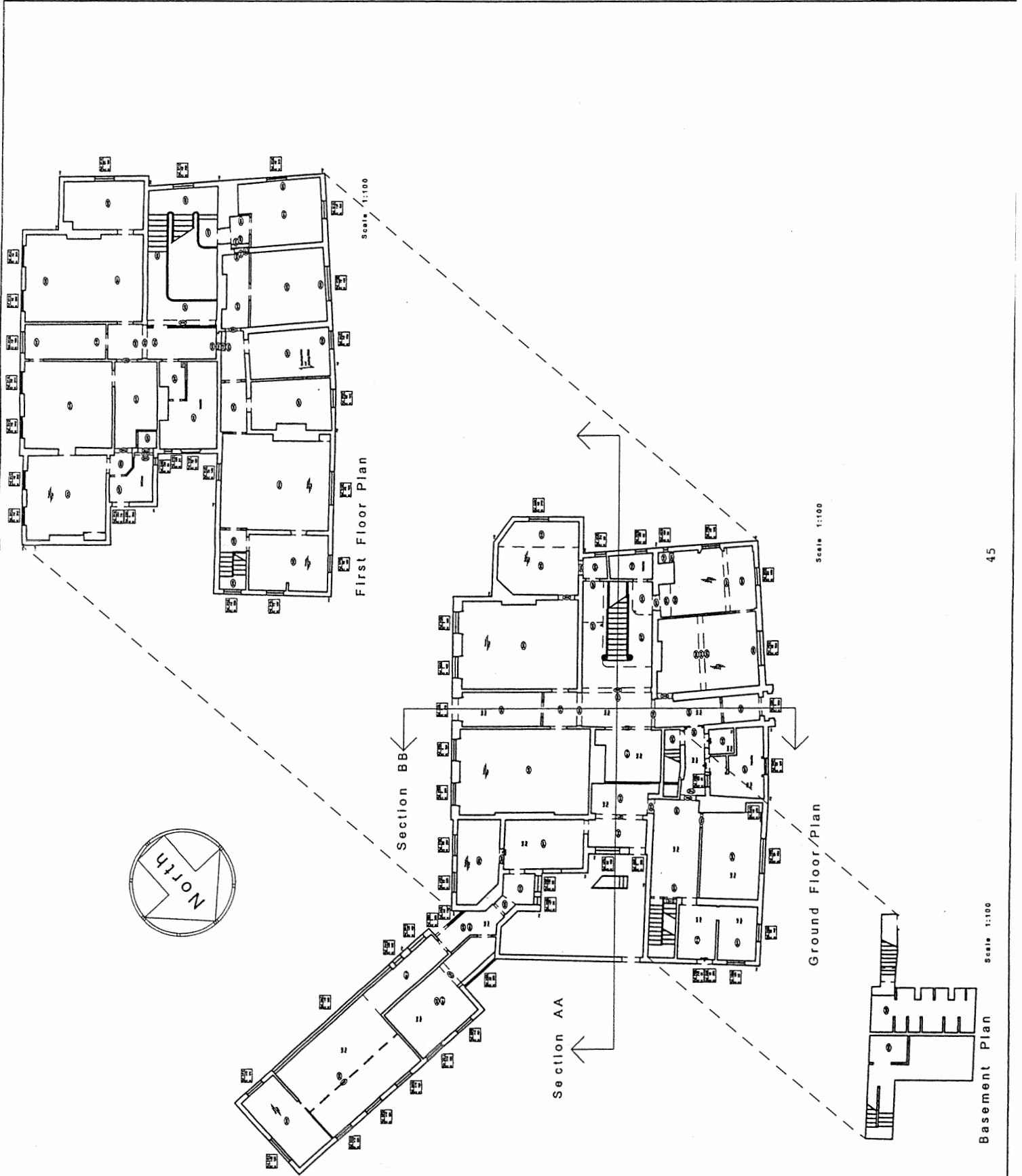
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Revisions



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 89 The Mount, York, YO1 1PH, UK
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 Fax: +44 (0)1904 478201
 Email: info@mpa.com

Project
 Hotel Du Vin
 89 The Mount
 York

Drawing
 Survey Plans, Section and
 Elevations of Coach House

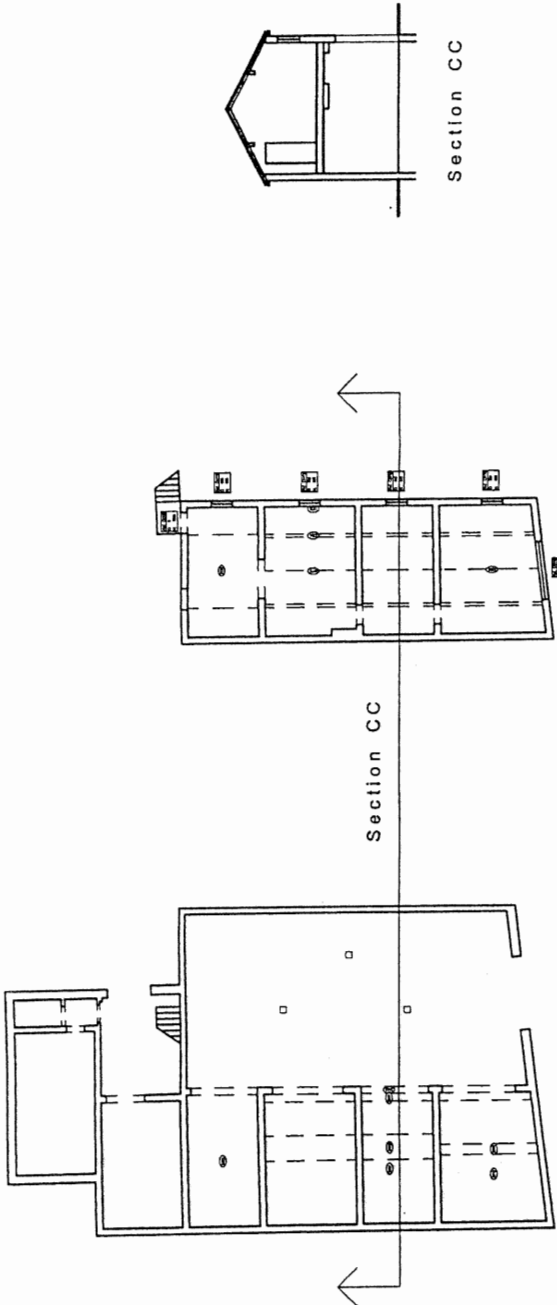
DO NOT SCALE FROM THIS DRAWING

Scale	1:100
Date	January 06
Number	SU03

Drawn by:
 WK/MP

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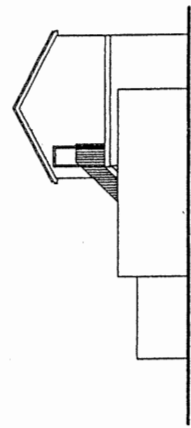
Revisions



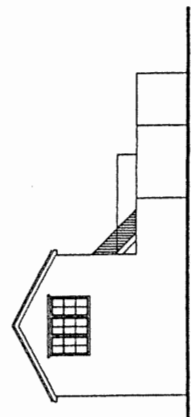
Section CC

First Floor Plan

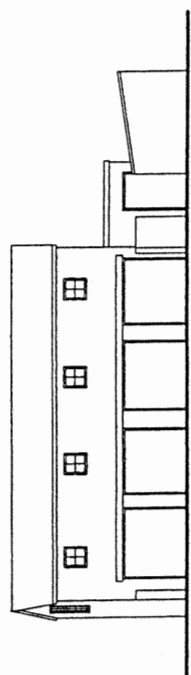
Ground Floor Plan



Side (East) Elevation



Side (West) Elevation



Front (South) Elevation

MICHAEL PHILLIPS Architects
 Michael Phillips Architects Limited
 Great Bedford Way, Finsbury Park
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Project
 Hotel Du Vin
 89 The Mount
 York

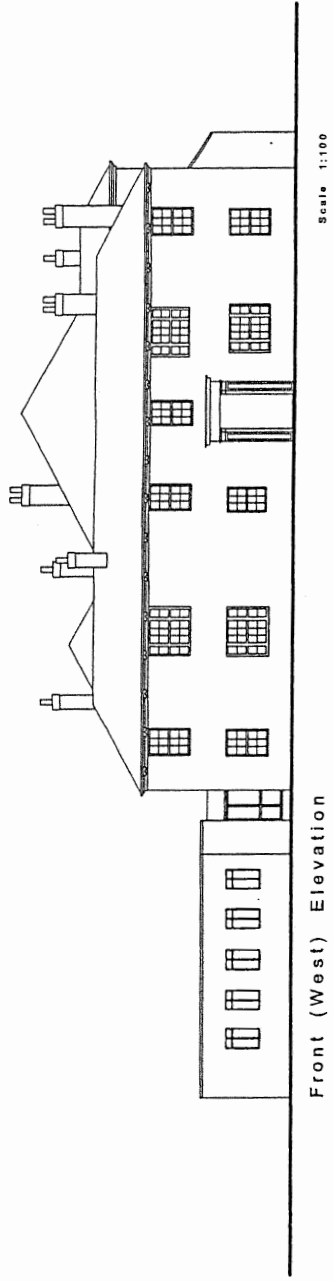
Drawing
 Survey
 East and West Elevations

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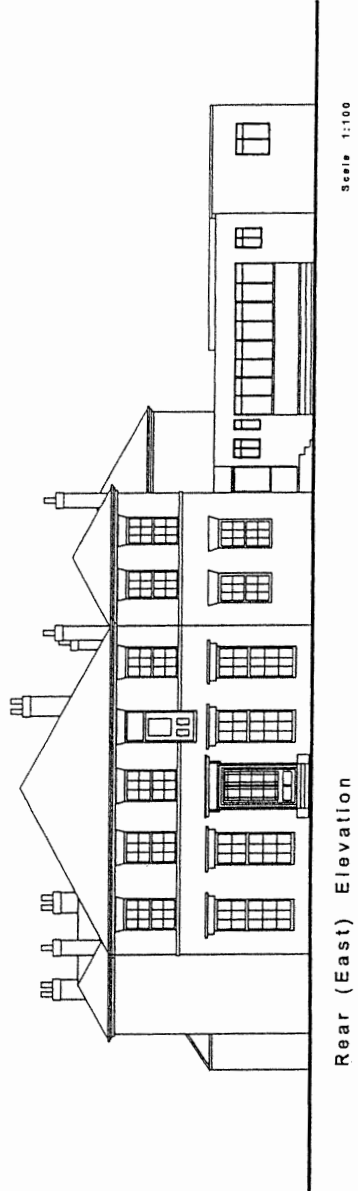
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Date	January 05
Number	SU 04

Drawn by:
 WKMP

Revisions



Front (West) Elevation



Rear (East) Elevation

MICHAEL PHILLIPS | architects

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Project
 Hotel Du Vin
 89 The Mount
 York

Drawing
 Survey
 North and East Elevations

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Number
SU 05

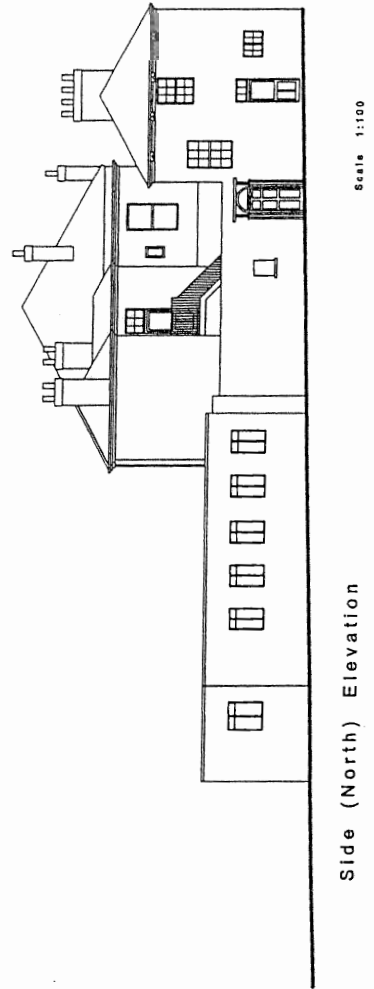
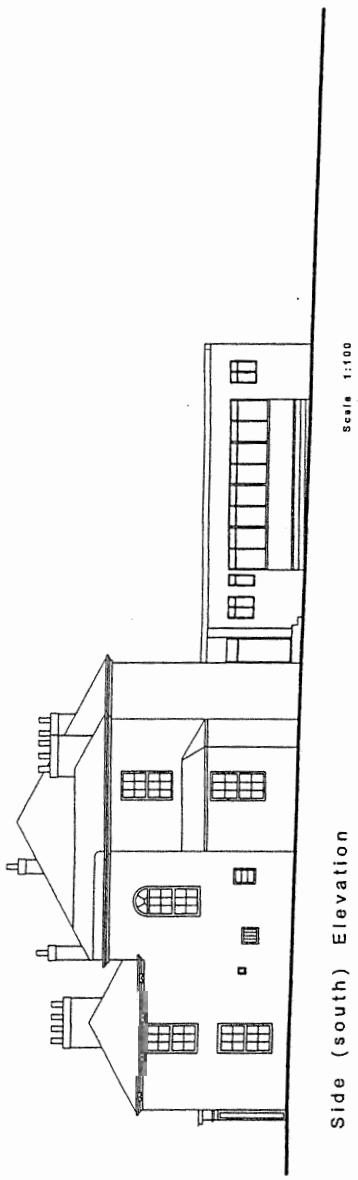
Date
January 06

Drawn by:
WK/MP

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Revisions

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.


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Ref No	Address	Representative Body (YES/NO)	Relevant licensing objective
1.	The Mount, York,	No	Public Nuisance
2.	Scarcroft Road, York, YO24	No	Public Nuisance
3.	Scarcroft Road, York, YO24	No	Public Nuisance
4.	Scarcroft Road, York, YO24	No	Public Nuisance
5.	Scarcroft Road, York, YO24	No	Public Nuisance
6.	Park Street, York, YO24	No	Public Nuisance
7.	Scarcroft Road, York, YO24	No	Public Nuisance
8.	Scarcroft Road, York, YO24	No	Public Nuisance
9.	Scarcroft Road, York, YO24	No	Public Nuisance
10.	Park Street, York, YO2	No	Public Nuisance

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City of York, Licensing and Regulatory Service,
9 St. Leonards Place,
York.
YO1 7ET

 The Mount,
York.

09.06.2006.

Dear Sirs,

89, The Mount

I am writing to object to the application for a late music and dancing licence at the above premises, which I think is inappropriate in this family residential area that also has strong Quaker connections. I believe this sort of licence is best granted in the city centre "party zone" and not where school-age children need to sleep.

Yours faithfully,



RECEIVED
13 JUN 2006

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 13/6/06 LC


local licensing policy. The current application is silent on local licensing policy.

Specific shortcomings are as follows:

1. The planning application for this development has been recently withdrawn. The provisional statement is being made in contravention to local planning policy 3.1 that requires an applicant to demonstrate special circumstances why an application should be heard prior lawful planning consent being granted. Although it is acknowledged that the approval being asked for is against a Provisional Statement, how can approval that carries weight be given against an unknown scheme?
2. In section 5.3 the Local Planning Policy expects license holders to consider a number of issues in relation to public nuisance. The application is silent on these. I would have expected the application to have acknowledged the residential setting of the proposed development and that this was a key issue to be addressed.
3. Under planning policy 7 Licensing Hours, there is a requirement to demonstrate a fair balance between the needs of licensed business and the risk of disturbance and nuisance to local residents. No such balance has been demonstrated and I understand that there are separate representations from local residents with respect to the proposed hours.

In view of this and other representations I expect that this provisional statement will be subject to either mediation under Local Policy 4.2 or subject to a separate hearing where my objections can be raised.

Yours faithfully



4

CITY OF YORK
DEDS
12 JUN 2006
RECEIVED

Scarcroft Road
York
YO24 1DD

11 June 2006

City of York Council
Licensing and Regulations Services
9 St. Leonard's Place
YORK
YO1 7ET

Dear Sir/Madam,

Re: Application for Provisional Statement by Hotel du Vin at 89 The Mount, York

We are writing to object to the application by the above hotel group for an entertainments and alcohol license within the hours 1000-0000 Monday to Sunday and 1000 – 0100 for private functions.


We would not object if the hours for entertainment were 1000 – 2230 Sunday to Thursday and 1000 – 2330 Friday and Saturday. We would not object if the hours for sale of alcohol were 1000-2300 Sunday to Thursday and 1000 to 0000 Friday and Saturday.

Our objection to the above is on the grounds of 'public nuisance'. This is because the hotel is close to our house and we think that music playing after 2230 (2330 on Fridays and Saturdays) would prevent everyone in the vicinity from sleeping. It is currently quiet to the rear of our house in this so-called conservation area in the evenings so we are also concerned about the noise generated by people arriving/leaving the premises in cars late at night as the car park is likely to be directly to the rear of our property.

We object to any sale of alcohol off the actual hotel premises (i.e. in the 'garden' area adjacent to our property).

The reason for this is again on the grounds of public nuisance as for example, if a marquee were to be erected in the grounds then it would create disturbance in our garden which backs directly on to the garden of 78 The Mount as already stated.

Yours sincerely,



CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE 12/6/06	LC

garden fences. This would inevitably mean disturbance from people, music and traffic throughout the week and at least until 1 am and then presumably the staff would be clearing up so noise could be a disturbance to us until the early hours of the morning any day of the week. We are also concerned about light pollution, which would impose on our privacy in the evenings and winter months.

We also see that the company have addressed steps intended to promote the four licensing objectives (General), but no statements have been made concerning the following objectives:

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The prevention of children from harm.

We hope that careful consideration is made to all the above points before a decision is reached regarding the application.

Yours truly

A large black rectangular redaction covering the signature of the sender.A large black rectangular redaction covering the address of the sender.

From

PLANNING

06 JUN 2006

DESIGN

Re - application for a Statement of Intent at 89 The Mount

Scarcroft Road
YORK YO24

(7)

I am 84 (a birthday) & my wife is 85, & we have lived at the above address for 37 years.

For all that time we have enjoyed the peace & tranquillity of the back area. Furthermore by Harrold's Rd, the Bonny's Farm & Park etc.

We consider that the current application for entertainment & the supply of alcohol until midnight (extending to 1 am.

2

for private functions) could be a very good start & a public nuisance for all us making the premises.

There is no doubt also, all the noise etc. associated with entertainment & the supply of alcohol & any outdoor noise (music, people, cars etc) can be a nuisance & every night would disrupt our sleep & our time, to make them intolerable.

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGEMENT
DATE 9/6/06

Yours sincerely

[Redacted Signature]

of a peaceful amenity which has long been enjoyed. Page 64

Although the provision of regulated entertainment and entertainment facilities is sited indoors the supply of alcohol is not and there is nothing in the statement that would either prevent alcohol being taken and consumed outside or the erection of a marquee in the garden.

For that to occur any night of the week up to 1 am, with the subsequent movement of cars and the noise of people leaving the premises would be a public nuisance.

It is a nightmarish scenario of sleep deprived children going to school the next morning and adults having to go to work, of all residents being deprived of sleep.

Strict conditions and limitations must be applied to this provisional statement. Even music indoors can be heard from a distance. Noise at night must be controlled. It is the duty of the Council to protect residents from disturbance and not create what would be intolerable living conditions. We are the public and that would be a public nuisance.

[REDACTED]

cc. Ward Councillors:

Dave Bennett

Dave Evans

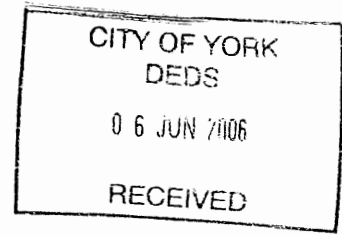
Sandy Fraser

CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE: 7/6/06	Lc

P [redacted], Park Street,
York YO2 [redacted]

10

3.6.6.



Licensing + Regulation Services,
City of York Council.

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE: 6/6/06	Le

115531

Dear Sir,

Application for Provisional Statement,
Hotel du Vin, 89 The Mount, York.

While hoping that the new hotel will flourish,
I would like the peace of the residential
area to be respected, and to be protected by
any licence that is granted. Therefore I
propose:

- Sale of alcohol for consumption on the premises
only. There is no need for an off-licence, as this
is fully supplied by the local Sainsbury's at Jackson,
less than 200m distant.
- Extension of entertainment licence till 1am to
be granted not more than once per week.
- Garden area behind residential properties to be
retained solely as garden, not used for parking
nor late-night entertainment.

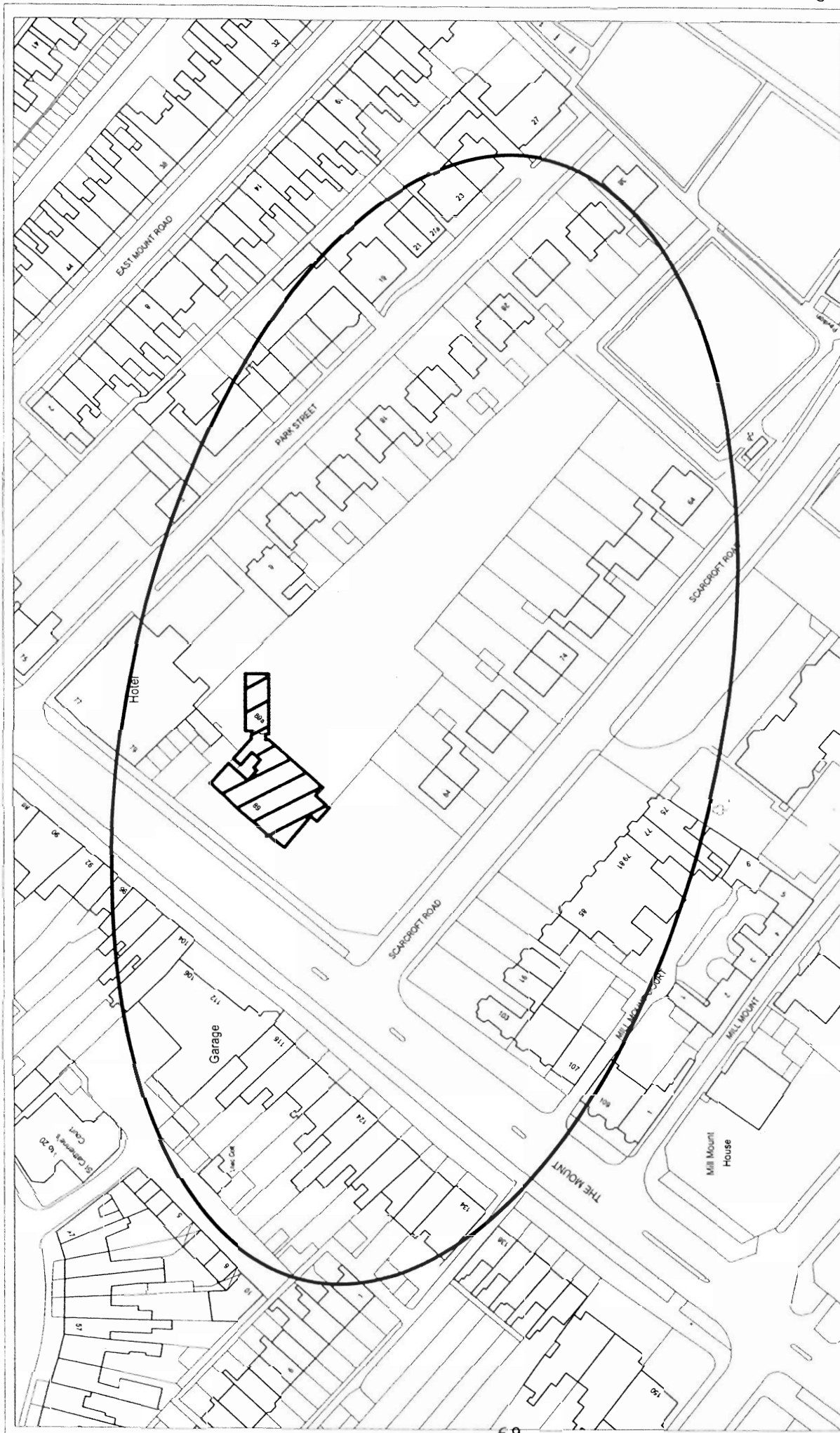
Yours sincerely,
[redacted]

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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DATE 19/6/2006
 Drawing No. JC 9A
 Project
 DRAWN BY JB
 SCALE 1:1250
 Opposite Gate
 Organisation



Hotel du Vin 89 The Mount York

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**MANDATORY CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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, 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 be licensed by the Security Industry Authority.
- (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
 - (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. 71

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Legislation and Policy Considerations

1. The following provisions of the Act apply to this application: s4 general duties of licensing authorities; s29 application for a provisional statement; s30 advertisement of application for provisional statement, s17(5) advertising and notification of application; and ss19, 20 and 21 mandatory conditions.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) relating to provisional statements and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Paragraphs 3.13 to 3.21 relating to cumulative impact of a concentration of licensed premises; 3.22 to 3.27 concerning the limitations on special policies relating to cumulative impact; and 5.83 to 5.91 relating to provisional statements.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.1 Planning (Development Control), 3.2 Crime and Disorder, 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements, 4.2 General Principles for Determination of Applications, 5.0 Guidelines for Applicants, 6.0 Saturation and Cumulative Impact, 7.0 Licensing Hours and Appendix D Pool Conditions.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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