

AGENDA SUPPLEMENT

Licensing/Gambling Hearing

To: Councillors Mason, Melly and Norman
Date: Monday, 1 February 2021
Time: 10.00 am
Venue: Remote Meeting

The Agenda for the above meeting was published on **22 January 2021**.
The attached additional documents are now available for the following agenda item:

5. **The Determination of a Section 18(3) Application by Mr Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York, YO24 1DR (CYC-67482)** (Pages 1 - 10)

Additional documents submitted by the Applicant.

This agenda supplement was published on **25 January 2021**

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Licensing Hearing 1 February 2021
Additional documents submitted by Applicant

- Operating principles / measures to minimise disruption etc.
- Operating schedule
- Photographs and plans
- Council response to enquiry

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THE GLASS GARDEN

OPENING REMARKS

We do not want to open a bar or a beer garden. The context of this application is to diversify from being a B&B to a licensed small hotel. This will put us in a position to provide an extended service to guests and to offer new services to local residents. Our aim is to enable the business to survive during and after the pandemic and in turn, to protect livelihoods and save jobs. Our private dining facility will be a positive enhancement of the current offer in this area and will provide safe and welcoming dining facilities both for residents and for a small number of non-residents on a pre-booking only basis. I regret being unable to hold any local neighbourhood meetings to listen to and respond in person to any concerns due to COVID restrictions. I was and continue to be available at the end of the phone – the business line number is prominently displayed at the entrance to the drive and is diverted to my mobile – and I always respond promptly to emails.

PRINCIPLES/OBJECTIVES

- To enhance the local area by providing a visually attractive, thoughtfully designed and high-quality dining facility in an area which is otherwise poorly served with few amenities
- To enable guests to enjoy eating in the garden in all weathers in their own private and COVID-safe environment
- To design and run the facility so that it does not impact adversely on neighbours and local residents
- To use high quality materials and design to improve and enhance the garden area which was previously uninviting and ugly.

OPERATING PRINCIPLES

1. It will not be a bar or beer garden
2. Alcohol will not be sold or served except with a meal
3. No guests will be admitted to the garden area who have not pre-booked with name, address and contact details
4. There will be no bar area in the garden
5. The pods will not be bookable for drinking
6. We will not be open to stag and hen parties, nor to Racegoers who are not staying at the hotel
7. There will be no off-sales of alcohol to anyone who has not got a current booking (see point 3)

MEASURES TO MINIMISE DISRUPTION TO LOCAL RESIDENTS

- The maximum capacity of each pod will be limited to 6 people.
- We will restrict the number of guests in the garden area at any one time to 48.
- The garden will not be open to members of the public, including racegoers, who have not pre-booked accommodation or a meal.
- We will not be open to casual guests, passers-by or “walk-ins”.
- We propose to serve last orders of food and drink at 9.00pm and lights out will be at 9.30pm from Sunday to Thursday evenings. On Friday and Saturday evenings we propose that last orders will be at 10.30pm with lights out at 11.00pm

RESPONSE TO REPRESENTATIONS ABOUT OUR FAILURE TO OBTAIN PLANNING CONSENT

- Before commencing any work, I submitted a commercial enquiry form to the planning department. We received a response to this commercial planning enquiry on 5 November stating that planning permission was not required (see appended document “Response to commercial enquiry”). We were following this advice when we started work on the dining pods.
- Planning enforcement subsequently confirmed that we needed to submit full planning permission on 18 December 2020. At all times we responded in a timely manner to their advice, demonstrating our willingness to fully comply with the directives of members of York Council. Full Planning permission was submitted at the beginning of January 2021.

OPERATING SCHEDULE FOR THE GLASS GARDEN RESTAURANT

PREVENTION OF CRIME AND DISORDER

1. Minimising alcohol induced anti-social behaviour

We are opening a small restaurant, not a bar nor a beer garden. Alcohol will only be served with meals. Dining pods will not be used for drinking alcohol, except as an accompaniment to a meal. It is very unlikely that this would lead to anti-social behaviour.

2. Preventing any increase of crime and disorder in the area though off-sales of alcohol

There will be no off-sales of alcohol, except to guests who are eating in the restaurant. Any off-sales will be in sealed containers.

3. Minimising disruption from non-residents in an otherwise quiet neighbourhood

We have designed our booking system to make any increase in crime and disorder very unlikely. Names and addresses of all guests will be logged through our booking system. No walk-ins will be accepted and all the guests on the premises will need to pre-book.

4. Racegoers will be attracted

There will be no facility for racegoers, unless they are already hotel residents, or have a confirmed booking of a dining pod.

5. Lack of door staff/bouncers

We have no need to employ bouncers, as we will not be open to walk-ins or passers-by, we will not accept bookings for groups over 6 people and customers numbers will be small. There will be at least 2 fully trained staff on site during the opening hours of the Glass Garden Restaurant and 3 members of staff during busier times.

6. Communication with local residents

As soon as it is permitted to do so under COVID restrictions, we will hold regular meetings with neighbours and invite ward councillors to these meetings, in order to ensure that the operation of the restaurant is a positive asset to the local area, rather than any cause for concern or a source of nuisance. We are always available to listen to and respond to any concerns either via email or phone.

PUBLIC SAFETY

1. Fire safety

We take fire safety extremely seriously. We have based the public safety measures with which the premises are provided on the Regulatory Reform (Fire Safety) Order 2005: a short guide to making your premises safe from fire, the HSE "Event safety Guide", the risk assessment guidelines from HM Gov publications for Hotels and guesthouses and guidance published by The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority. The public safety measures which we put in place will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a risk assessment. I understand that the safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, and therefore undertake to maintain a safe occupancy level with a maximum of 48 guests and to ensure that all staff are properly trained in all aspects of premises safety. We maintain an up-to-date fire safety risk assessment and all the electrical installations have been carried out by a commercial electrician company. Fire exits are clearly marked and there is ample space between the dining pods to ensure unimpeded access and egress.

2. Serving alcohol safely

- A digital colour CCTV system will be installed to cover the premises and will include the main entrance/exit. It will be maintained, working and recording at all times when the premises are open. The recordings will be of good evidential quality to be produced in Court or other such hearing. Copies of the recordings will display the correct time and date of the recording and will be kept available for any Responsible Authority for 31 days. Subject to Data Protection requirements. Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements. There will be at

least 2 members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

- Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the
 - Retail sale of alcohol
 - Age verification policy
 - Conditions attached to the Premises Licence
 - Permitted Licensable activities
 - The Licensing objectives and
 - The Opening Times of the venue.
 - Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.
- A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such records shall be kept for at least one year. They will be made available immediately upon a reasonable request from any responsible authority.
- The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
- Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
- We will operate a Challenge 25 Age Verification Policy at the premises.
- Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
- All off sales of alcohol shall be in sealed containers.

3. Security at night

All guests have a direct line to our night manager, who is not on site, but who is less than 10 minutes away. CCTV is being installed which sends alerts to the duty manager's phone whenever motion is detected outside anywhere on the premises.

4. Traffic

We do not think that the increase in traffic will be significant, as we will be limiting the maximum capacity of the restaurant facility and prioritising hotel residents over non-residents. We will direct non-resident guests to the freely available parking on Knavesmire Road.

5. Danger from the fire pit

The fire bowl is a purely decorative feature which we have commissioned to be made by a local artist. It will not provide heating. It will be powered by LPG and there will be no danger in terms of fire risk as the fire bowl is raised off the ground to a height of 90cm and measures 2 metres in diameter with a safety rail. The LPG burner element and lava rocks form a central 80cm circle inside the larger dish.

PREVENTION OF PUBLIC NUISANCE

1. Parking

We have 8 pods and 7 car parking places for the use of guests. We will only accept non-resident guests via our booking system. We will direct non-resident guests to the freely available parking on Knavesmire Road in our booking confirmation for any guests who are non-resident.

2. Noise nuisance

- We will close and lock the garden area at 9.30pm on weekdays and 11.00pm on Friday and Saturday.
- Hotel guests will not be able to access the garden when it is not staffed. The garden area will be fenced off from the car parking area and will have a lockable gate. The dining pods will be locked and the entrance to the garden will be locked.
- Prominent notices at entrances and exits will remind non-resident customers to leave quietly. Resident customers will use the rear entrance from the car park to access their hotel room.
- There will be no amplified music in any outside space.

- There will be no guest dining areas in the garden that are not fully enclosed by the greenhouses. These have 4mm toughened glass and a double skin polycarbonate roof. We are confident that noise levels from guests in the dining pods will not be detrimental to neighbours as they are unlikely to exceed the existing background noise levels.
- No deliveries will be carried out earlier than 9.00am and none will be carried out on Sundays and Bank Holidays. We will ensure that drivers switch off their engine when making deliveries. All deliveries will be received at the basement door at the rear of the property to minimise any disruption to residents.
- Rubbish collections, including recycling, take place once per month and do not happen before 8.00 am

3. Litter

We will not be selling takeaway food or drink to customers at the premises. There will therefore be no increase in litter. There will be one designated smoking area situated in the car park with adequate facilities for the disposal of spent cigarettes.

4. Toilet facilities

We have installed 2 new guest toilets in the basement of the hotel, less than 20 metres from the garden area and there is a third guest toilet on the ground floor. This is a total of 3 guest toilets and 3 wash handbasins which is more than adequate, granted the maximum capacity of 48 guests.

5. Managing behaviour

The dining area is at the rear of the hotel. There will be no possibility of guests drinking or eating in the street or on the pavement. We will limit the maximum group size to 6 guests. There will be a minimum of 2 fully trained staff on site whenever we are operating the Glass Garden. The premises will be covered by CCTV for the comfort and safety of our guests and prominent signage will be visible advising guests of this.

6. Light pollution

No additional exterior floodlighting will be installed. The lighting has been carefully designed by a professional lighting consultant. The pods themselves will be lit by downward-angled low wattage LED lights to illuminate the ground area and dimmable lighting suspended from the ceiling of the pods with a maximum output of 800 lumens which is equivalent to 2 x 40w incandescent bulbs. There will be no façade illumination. The double-skinned polycarbonate roofs of the pods are opaque, thus minimising and light intrusion. All other lighting in the garden will be double-asymmetrical lighting which is angled downwards at a minimum angle of 70 degrees and will have an Upward Light Ratio (ULR) of zero. All lights will be switched off by 9.30pm on Sunday-Thursday and 11.00pm on Friday and Saturday.

7. Privacy

The garden is surrounded by high walls and the dining pod roofs are not see-through. The site is extremely private and invisible from the road.

8. Smells from the outside kitchen

All food will all be prepared in the hotel kitchen, with the exception of guests who order wood-fired pizzas. These will be cooked in the outdoor pizza oven, which, once lit, emits very little smoke or cooking odours as it is fired by specially made beech briquettes with a moisture content of less than 7%. A pizza takes just 90 seconds to cook.

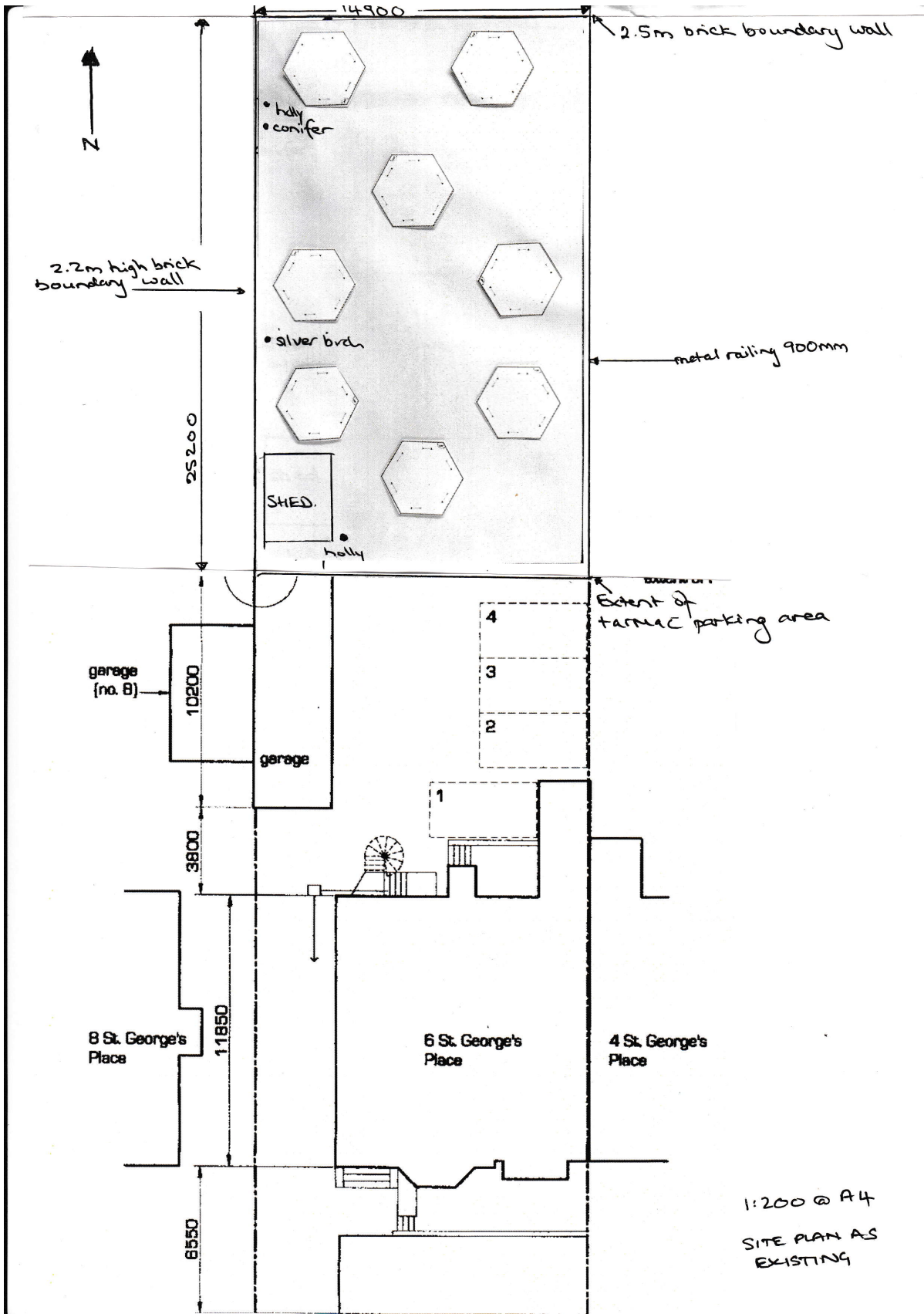
PREVENTION OF CHILDREN FROM HARM

1. This is a family-friendly development in a family-friendly hotel. We are proud to offer our facility to families so that they can enjoy good quality food in quiet, safe surroundings.
2. Children will only be allowed onto the premises when accompanied and supervised at all times by an adult.
3. Staff will be trained in checking customers' ages by only accepting passport, driving licence or Citizencard
4. The garden is not visible from the street, which is ideal in terms of security, as it is invisible to walk-in guests, children, passers-by and local residents. The position of the garden maintains the status quo in terms of the street's visual aspect and appeal.

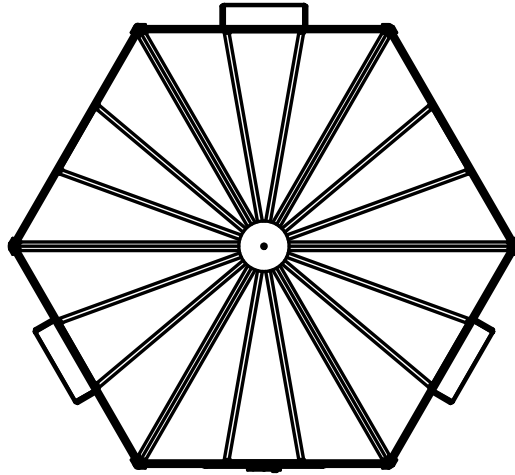
5. The restaurant is being marketed and operated as a private dining facility that has to be pre-booked, not as a bar or takeaway. We can confidently guarantee that foul language and distressing behaviour will not happen as a result of any activity we are proposing.

Photo of a dining pod

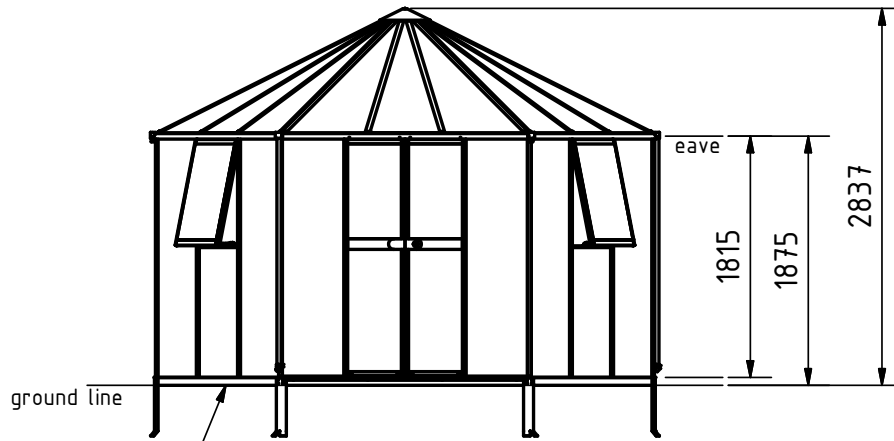




SITEPLAN



Plan View



Front Elevation

1 : 50

All dimensions in mm

				Datum	Name	Hera 2 9000
			Gezeichnet	11.01.2021	AusHE21	
			Kontrolliert		RH	
			Genehmigt			
			Dateiname	Hera 2 9000 20200416 + 60mm base 3ds.idw		
				Vitavia		Profile No:
						1
						A4
Status	Änderungen	Datum	Name	Material:		Ausgabe: 1



Economy and Place
Directorate

West Offices
York
YO1 6GA

Tel: 01904 551553

Householder Enquiry Advice

To:
Simon Cowton
Skelton Manor
Church Lane
Skelton
York
YO30 1XT

Enquiry at: St Georges Hotel 6 St Georges Place York YO24 1DR
For: Erection of 8 temporary greenhouses on existing gardens
to provide shelter for residents to have dinner in a covid
safe bubble
By: Simon Cowton,
Enquiry Ref No:: QUERY/20/00550

Thank you for your Householder Enquiry Form which we received on 20 October 2020.

From the information submitted and as a result of their size, lack of physical attachment to the ground and temporary nature, the proposal is not considered to represent building operations as defined by s.55 (1A) of the Town and Country Planning Act 1990 and does not require planning permission. It should also be noted that this is providing the use of the garden for outside seating remains ancillary to the existing hotel use, and for a temporary time.

Buildings Regulations consent is required for the proposal.

Payment received : £83.64 including VAT
Receipt number : 00204089
VAT Registration Number: 647365022
Please accept this as receipt of your payment.

Please note that the advice expressed in this document is based on the information given. Therefore any variation of details, whether this is an addition or omission to the scheme, will require further confirmation. Any errors in the information submitted would invalidate our advice.