

Licensing Hearing

To: Councillors Bartlett, Sue Galloway and B Watson
Date: Friday, 23 June 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 3a and 5 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by Debretton Hospitality Ltd to Vary a Premises Licence for Section 35(3)(a) in respect of Marmadukes, 4 & 5 St Peter's Grove, York. (CYC-010461)

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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All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

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.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

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کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

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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

23 June 2006

Report of the Director of Neighbourhood Services

Section 35(3)(a) Application for the Variation of a premise licence for Marmadukes, 4 & 5 St Peter's Grove, York**Summary**

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.

Application reference number: CYC-010461

2. Name of applicant: Debretton Hospitality Ltd
3. Type of authorisation applied for: Variation of premise licence
4. Summary of application: The nature of the proposed variation includes; 1) Extending the licensed area to include the garden to the rear of 4 & 5 St Peter's Grove, and the decked area to the right of 4 St Peter's Grove. 2) Provide mini bars in each of the 11 bedrooms.

Background

5. A copy of the existing premise licence is attached at Annex 1.
6. A copy of the application to vary the licence is attached at Annex 2.

Promotion Of Licensing Objectives

7. 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:
8. The prevention of crime and disorder: 1) Reception is manned 24 hours a day. 2) CCTV internal and external. 3) Security lights in carpark. 4) Working with the local police and pubwatch scheme.
9. Public safety: 1) Trained staff. 2) Fire safety measures. 3) Swipe card only access to upstairs and bedrooms. 4) Swipe card only entry to premise after dusk.

10. The prevention of public nuisance: 1) Night porter on duty. 2) All non residents to report to reception on arrival.
11. The protection of children from harm: 1) Non resident children are not allowed on the premise other than with family and friends. 2) Children are not allowed in the bar area.

Special Policy Consideration

12. This premise is not located within the area.

Consultation

13. 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

14. There were no representations received from responsible authorities.

Summary of Representations made by Interested Parties

15. Representations have been received from the interested parties listed at Annex 3a (confidential) and Annex 3b. Their representations are attached at Annex 4.
16. The addresses of the interested parties are indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which representations were received is attached at Annex 6. 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.
17. 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

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 variation of the licence in the terms applied for.

20. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
21. Option 3: Grant the variation of the licence 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** - There are no financial implications
 - **Human Resources (HR)** – There are no human resources implications
 - **Equalities** – There are no equalities implications
 - **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)** – There are no IT implications
- **Property** – There are no property implications
- **Other** – There are no other implications

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:
John Lacy
Acting Licensing Manager

Chief Officer Responsible for the report:
Andy Hudson
Assistant Director
Neighbourhood Services

Report Approved **Date** 13/06/06

Specialist Implications Officer(s)
Suzan Hemingway
Head of Legal & Democratic Services
Civic Democratic & Legal Services
551004

Wards Affected: Clifton

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 - Copy of converted premises licence

Annex 2 - Application form

Annex 3a (Confidential) - List of Interested Parties

Annex 3b - List of Interested Parties

Annex 4 - Representations from Interested Parties

Annex 5 (Confidential) - Map of area indicating addresses of Interested Parties

Annex 6 - Map showing general area from which representations received

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy Considerations

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 010461

Postal address of premises:

Marmadukes Hostels
4 St. Peters Grove

Post town: **York**

Post code: **YO30 6AQ**

Telephone number: 0870 066 0158

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Live Music
Recorded Music
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

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

LIVE MUSIC
Indoors and Outdoors

RECORDED MUSIC
Indoors and Outdoors

**ACTIVITY LIKE
MUSIC/DANCE**
Indoors and Outdoors

Monday
18:00 - 22:00
Tuesday
18:00 - 22:00
Wednesday
18:00 - 22:00

Monday
08:00 - 00:00
Tuesday
08:00 - 00:00
Wednesday
08:00 - 00:00

Monday
18:00 - 00:00
Tuesday
18:00 - 00:00
Wednesday
18:00 - 00:00

Thursday
18:00 - 22:00
Friday
18:00 - 22:00
Saturday
18:00 - 22:00
Sunday
18:00 - 22:00

Thursday
08:00 - 00:00
Friday
08:00 - 00:00
Saturday
08:00 - 00:00
Sunday
08:00 - 00:00

Thursday
18:00 - 00:00
Friday
18:00 - 00:00
Saturday
18:00 - 00:00
Sunday
18:00 - 00:00

LATE NIGHT REFRESHMENT
Indoors and Outdoors

SUPPLY OF ALCOHOL

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

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

The Opening Hours of the Premises

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

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

On and off the premises

Part 2

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

Name: DeBretton Hospitality Ltd

Address: PO Box 56
York
YO26 8EW

Telephone number: None

Email address: None

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

Limited Company 5175294

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Mrs Emma Louise Watkins

Address: 4 St. Peters Grove
York
YO30 6AQ

Telephone number: 08700 660158

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC-010432

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. Alcohol will only be sold to people using the facilities that the hostel provides, internet and information centre, food and live music venue. The premise will not operate primarily as a public house.

Public Safety

2. CCTV is installed internally and externally.

3. All staff are trained regarding fire safety requirements.

Protection of Children from Harm

4. Children will not be allowed to enter the bar area.

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

None

For and on behalf of
The Deputy Chief Executive

Licensing & Regulatory Services
9 St Leonard's Place
York
Y01 7ET

Date: 25/08/2005

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



PREMISES LICENCE SUMMARY

Part B

Premises licence number:
CYC - 010461

Premises details

Postal address of premises: Marmadukes Hostels 4 St. Peters Grove	
Post town: York	Post code: YO30 6AQ
Telephone number: 0870 066 0158	

Where the licence is time limited the date

This licence has no expiry date

Licensable activities authorised by the licence:

Live Music
Recorded Music
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

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

LIVE MUSIC
Indoors and Outdoors

RECORDED MUSIC
Indoors and Outdoors

**ACTIVITY LIKE
MUSIC/DANCE**
Indoors and Outdoors

Monday
18:00 - 22:00
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08:00 - 00:00

Monday
18:00 - 00:00
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18:00 - 22:00
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08:00 - 00:00

Thursday
18:00 - 00:00
Friday
18:00 - 00:00
Saturday
18:00 - 00:00
Sunday
18:00 - 00:00

LATE NIGHT REFRESHMENT
Indoors and Outdoors

SUPPLY OF ALCOHOL

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

The Opening Hours of the Premises

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

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

On and off the premises

Name and (registered) address of holder of premises licence

Name: DeBretton Hospitality Ltd
Address: PO Box 56
York
YO26 8EW

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

Limited Company 5175294

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

Mrs Emma Louise Watkins

State whether access to the premises by children is restricted or prohibited

Children will not be allowed to enter the bar area

For and on behalf of
The Deputy Chief Executive

Date: 25/08/2005

Licensing & Regulatory Services
9 St Leonard's Place
York
Y01 7ET

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

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- 6 APR 2006

RECEIVED



CITY OF YORK COUNCIL
Licensing & Regulatory Services, 9 St Leonards Place, York, YO1 7ET

Application to vary a premises licence 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 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 EMMA LOUISE WATKINS..... (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

CYC - 010461

Part 1 - Premises Details

Postal address of premises or, if none, ordinance survey map reference or description MARMADUKES 4 + 5 ST PETERS GROVE BOOTHAM YORK	
Post town YORK	Post code YO30 6AQ

Telephone number of premises (if any)

0870 066 0158

Non domestic rateable value of premises

£ 22,000

Part 2 - Applicant Details

Daytime contact telephone number

0870 066 0158

Email address (optional)

mail@marmadukesworld.com

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname: WATKINS First names: EMMA LOUISE

Current postal address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day	Month	Year					

If 5000 or more people attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

THE VARIATION OF THE LICENCE IS TO INCLUDE THE GARDEN TO THE REAR OF NO 4 + 5 ST PETERS GRAVE AND THE DECKING TO THE RIGHT OF NO 4 ST PETERS GRAVE ADJOINING THE BAR. IN NO 5 ST PETERS GRAVE THE LICENCE IS TO INCLUDE NINE BARS IN EACH OF THE 11 HOTEL BEDROOMS.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing play (please read guidance note 4)		
Thur						
Fri			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 (please read guidance note 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri			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 (please read guidance note 5)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			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. (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
			Both		
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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. (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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			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. (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed					
Thur			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. (please read guidance note 5)		
Fri					
Sat					
Sun					

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)			Please give a description of the type of entertainment facility you will be providing					
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur								
Fri						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. (please read guidance note 5)		
Sat								
Sun								

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)					
			Indoors					
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur								
Fri						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. (please read guidance note 5)		
Sat								
Sun								

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon			State any seasonal variations for providing dancing facilities (please read guidance note 4)	Both		
Tue						
Wed						
Thur				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)		
Fri						
Sat						
Sun						

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)

CIGARETTE MACHINE IN BAR WITH
APPROPRIATE NOTICE.

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5) CHRISTMAS + NEW YEAR 10 AM - 1 AM
Mon	10 AM	12 AM	
Tue	"	"	
Wed	"	"	
Thur	"	"	
Fri	"	"	
Sat	"	"	
Sun	"	"	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence
 I have enclosed the relevant part of the premises licence

Please tick ✓ yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

STAFF TRAINING AND AWARENESS,
ALL KEY STAFF HAVE ATTENDED AND
BEEN AWARDED THE GOAL LEVEL 2 NATIONAL
CERTIFICATE FOR PERSONAL LICENCE HOLDERS.

b) The prevention of crime and disorder

RECEPTION MANAGED 24 HOURS A DAY.
CCTV IN AND AROUND BUILDING + SENSOR
LIGHTS IN CARPARK.
WORKING WITH THE LOCAL POLICE AND
PUBWATCH.

c) Public safety

TRAINED STAFF
FIRE SAFETY
CCTV
SWIPE CARD ONLY ACCESS TO UPSTAIRS,
+ BEDROOMS. FRONT DOOR ON SWIPE CARD
ONLY ENTRY AFTER DUSK.

d) The prevention of public nuisance

CCTV
TRAINED STAFF TO HANDLE AND
DEUSE SITUATIONS.
NIGHT PORTER ON DUTY.
ALL NON RESIDENTS TO REPORT TO
RECEPTION ON ARRIVAL.

e) The protection of children from harm

NON RESIDENT CHILDREN ARE NOT
ALLOWED ON THE PREMISES OTHER
THAN FAMILY AND FRIENDS WHO ARE NOT
ALLOWED IN THE BAR AREA.

- Please tick ✓ Yes
- I have made or enclosed payment of the fee
 - 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 have enclosed the premises licence or relevant part of it or explanation
 - 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 (the current premises licence holder) 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 E.L. [Signature]

Date 23rd March 2007

Capacity DIRECTOR DEBBETON HOSPITALITY LTD

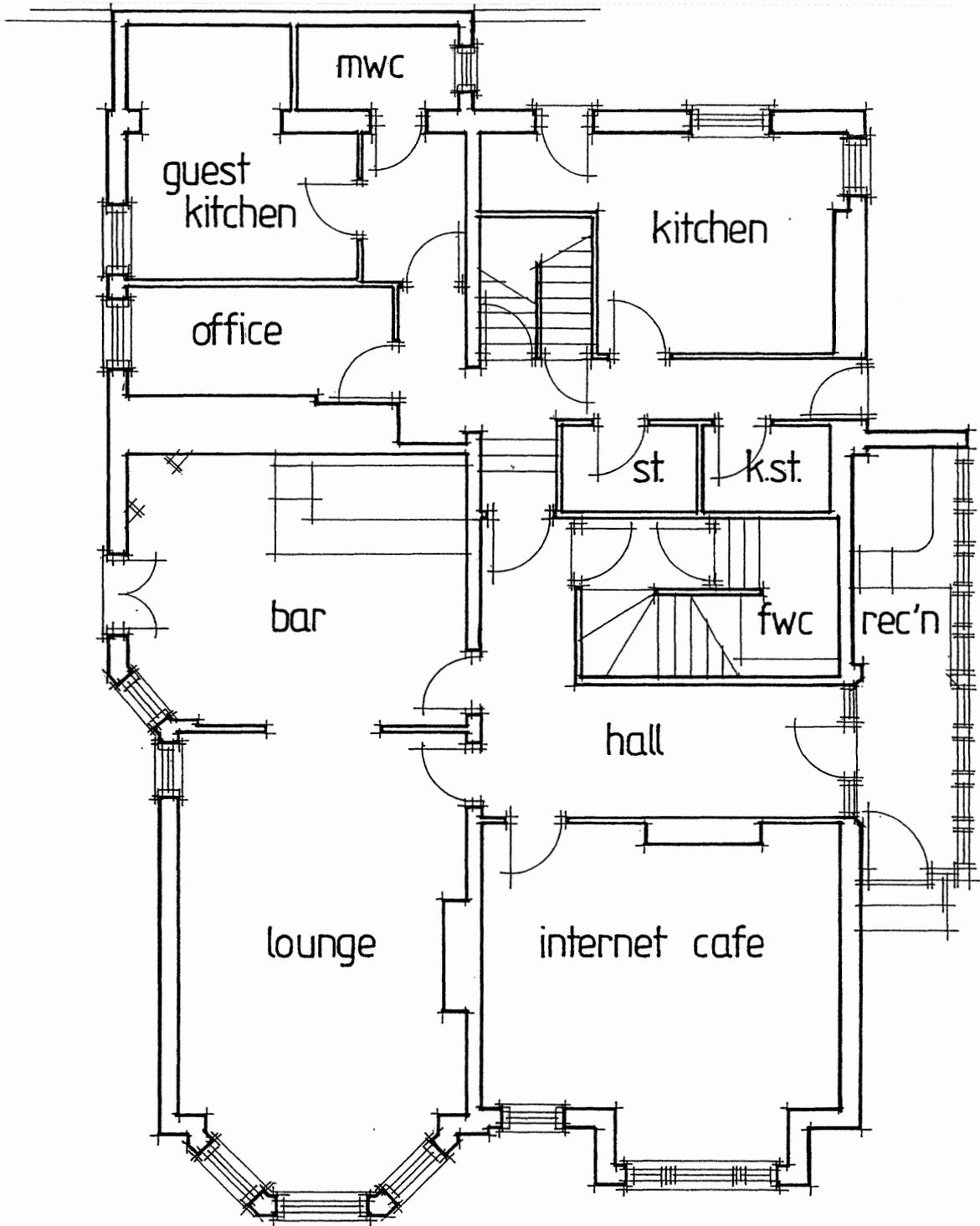
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

<p>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</p> <p style="text-align: center;"><u>EMMA LOUISE WATKINS</u> <u>MARMAJUKES</u> <u>ST PETERS GROVE</u> <u>BOOTHAM</u></p>	
<p>Post town <u>York</u></p>	<p>Post code <u>YO30 6TA</u></p>
<p>Telephone number (if any) <u>0870 066 0158</u></p>	
<p>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</p>	



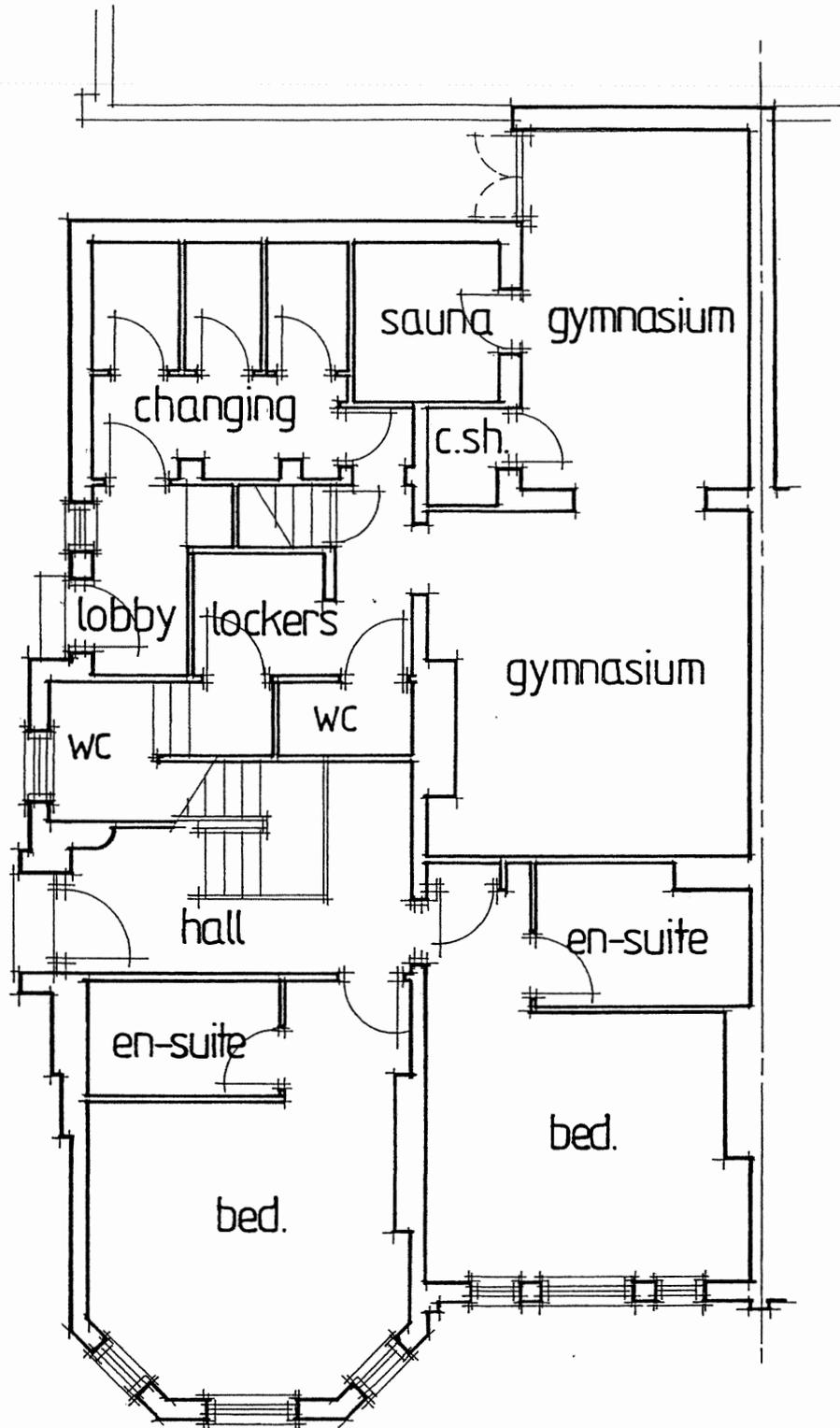
Client MR D HATTERSLEY
 Project PROPOSED EXTENSION & ALTERATIONS
 4 ST PETER'S GROVE, YORK
 Title GROUND FLOOR PLAN AS PROPOSED

Hirondelle Architects

architecture & property development

Prj No DH-06-100 Scale 1:100
 Drg No 08 Date MARCH 2006
 Revision Drawn GNB

21 Kings Mill Road Driffield YO25 6TT
 Tel 01377 232022 Fax 01377 251111



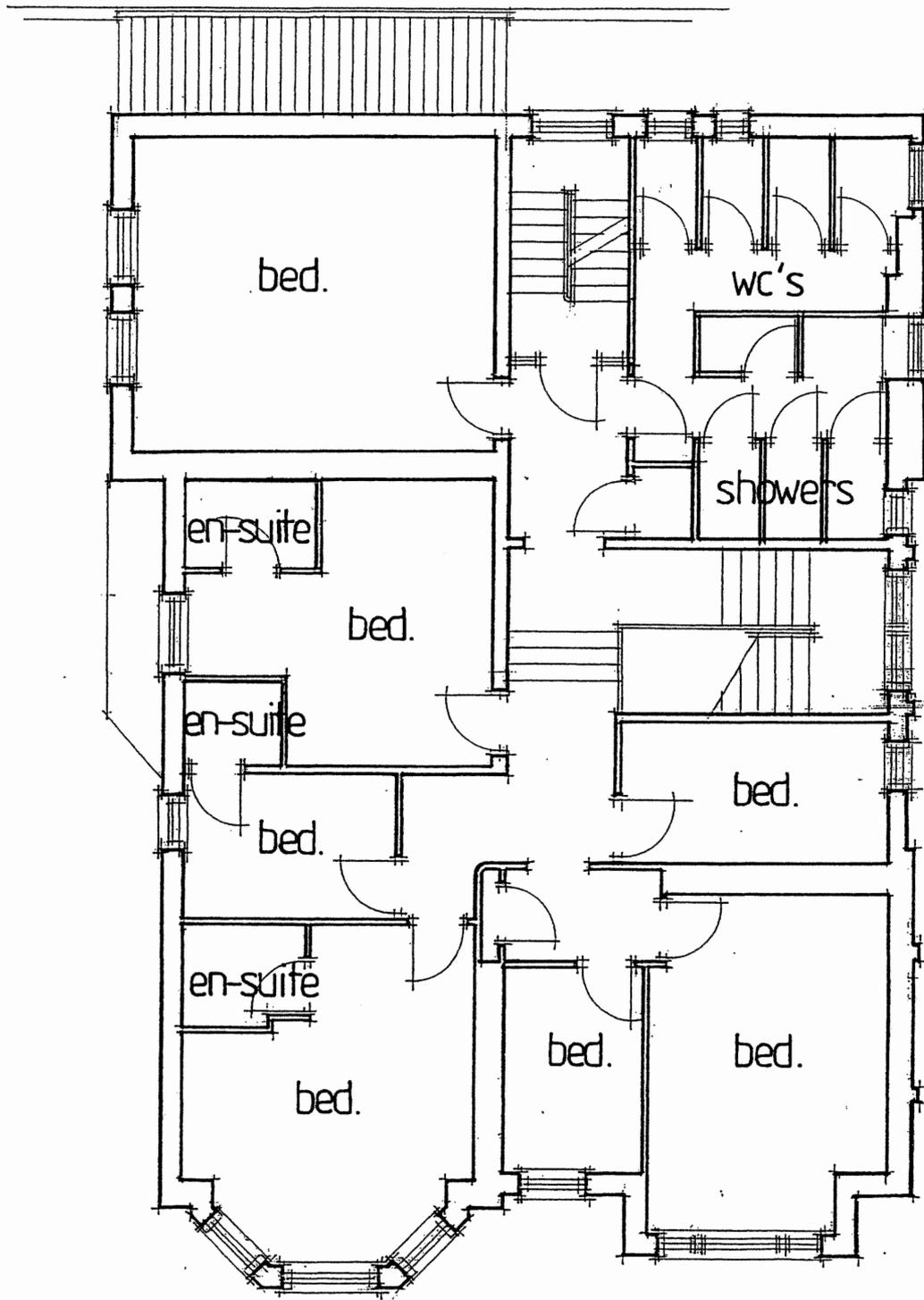
Client MR D HATTERSLEY
 Project PROPOSED EXTENSION & ALTERATIONS
 5 ST PETER'S GROVE, YORK
 Title GROUND FLOOR PLAN AS PROPOSED

Hirondelle Architects

architecture & property development

Prj No	DH-06-100	Scale	1:100	21 Kings Mill Road	Driffield	YO25 6TT
Drg No	11	Date	MARCH 2006	Tel 01377 232022		Fax 01377 259129
Revision		Drawn	GNB	28		



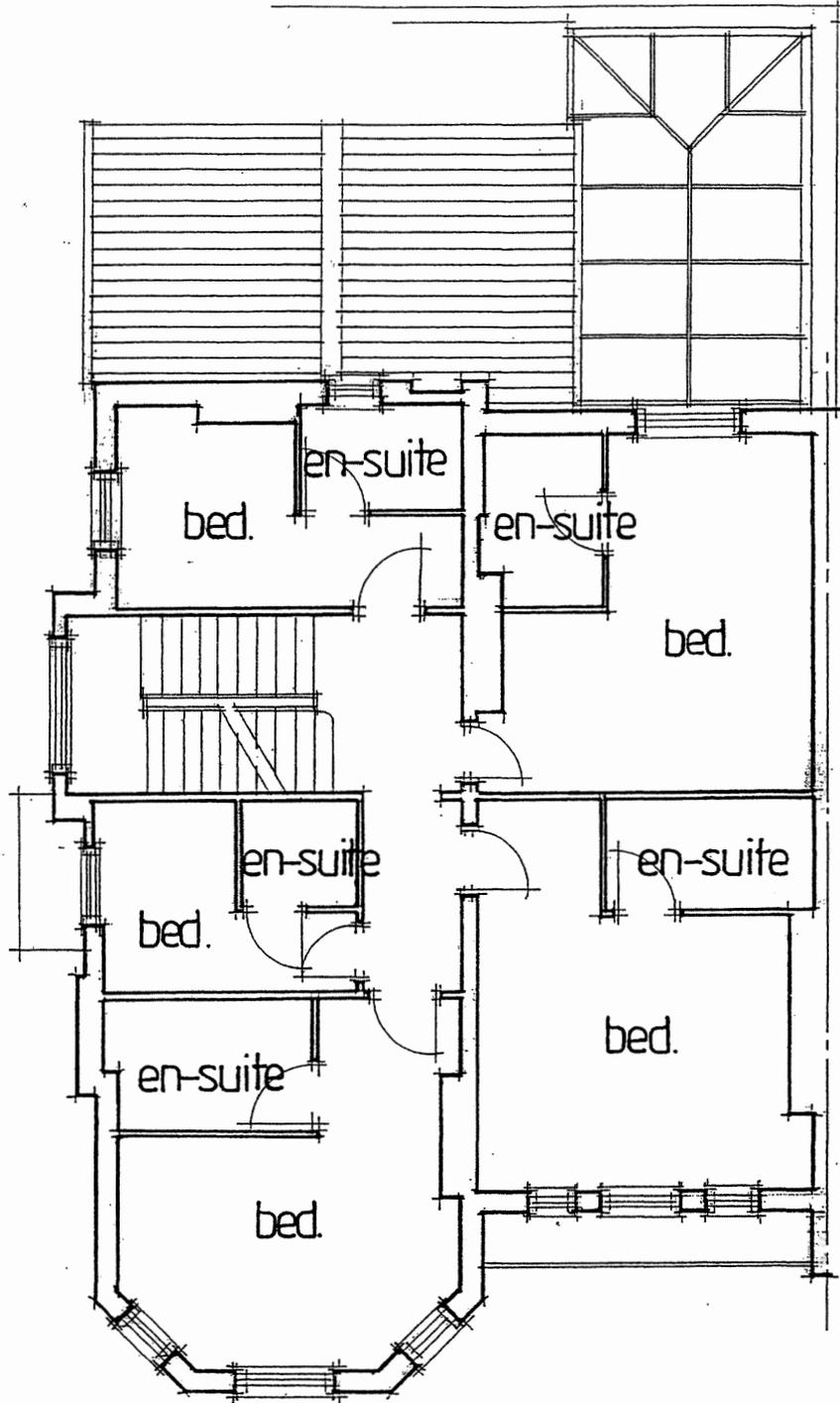


Client MR D HATTERSLEY
 Project PROPOSED EXTENSION & ALTERATIONS
 4 ST PETER'S GROVE, YORK
 Title FIRST FLOOR PLAN AS PROPOSED

Hirondelle Architects
 architecture & property development

Prj No	DH-06-100	Scale	1:100	21 Kings Mill Road	Driffield	YO25 6TT
Drg No	09	Date	MARCH 2006	Tel 01377 232022		Fax 01377 259129
Revision		Drawn	GNB			

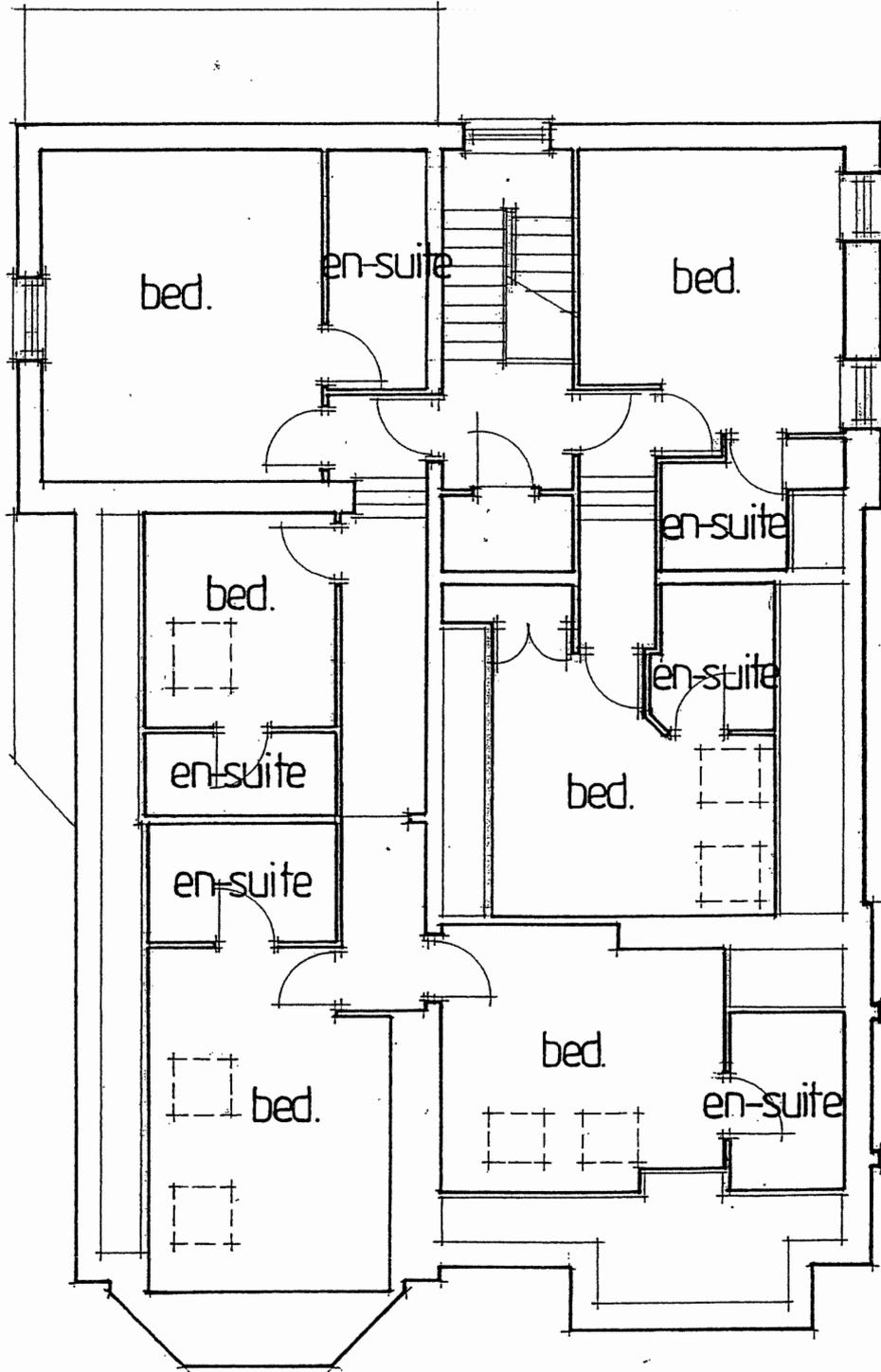




Client MR D HATTERSLEY
Project PROPOSED EXTENSION & ALTERATIONS
5 ST PETER'S GROVE, YORK
Title FIRST FLOOR PLAN AS PROPOSED
Prj No DH-06-100 Scale 1:100
Drg No 12 Date MARCH 2006
Revision Drawn GNB

Hirondelle Architects
architecture & property development

21 Kings Mill Road Driffield YO25 6TT
Tel 01377 232022 Fax 01377 259129

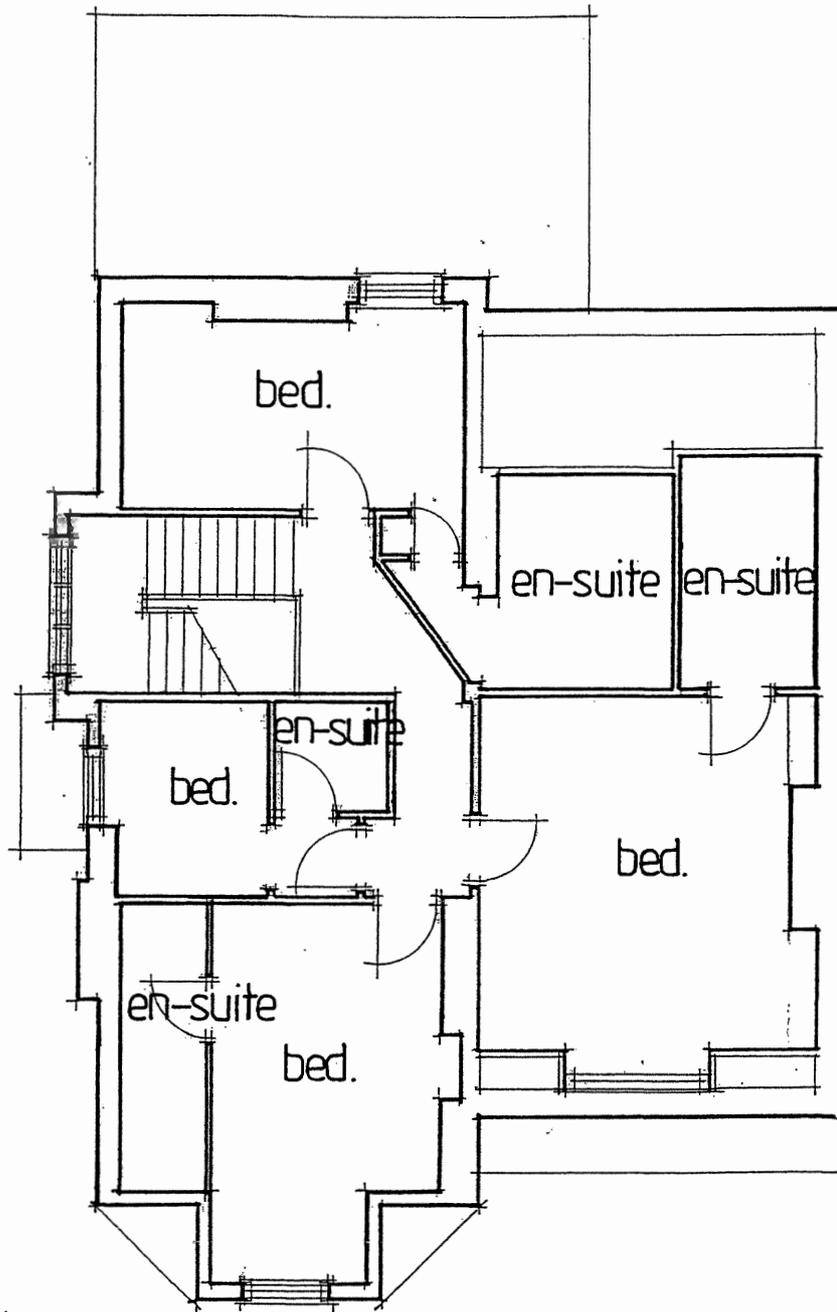


Client MR D HATTERSLEY
 Project PROPOSED EXTENSION & ALTERATIONS
 4 ST PETER'S GROVE, YORK
 Title SECOND FLOOR PLAN AS PROPOSED

Hirondelle Architects
 architecture & property development

Prj No	DH-06-100	Scale	1:100	21 Kings Mill Road	Driffield	YO25 6TT
Drg No	10	Date	MARCH 2006	Tel 01377 232022		Fax 01377 259129
Revision		Drawn	GNE			





Client MR D HATTERSLEY
Project PROPOSED EXTENSION & ALTERATIONS
5 ST PETER'S GROVE, YORK
Title SECOND FLOOR PLAN AS PROPOSED

Hirondelle Architects

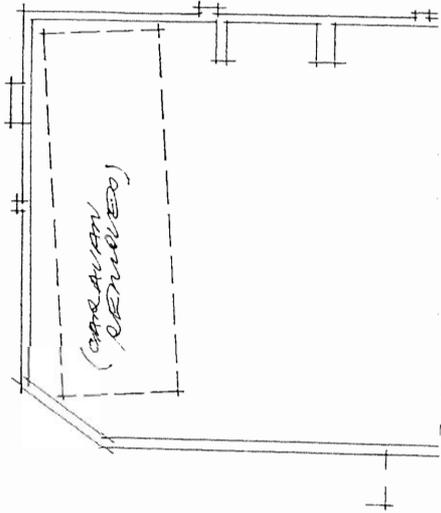
architecture & property development

Prj No DH-06-100 Scale 1:100
Drg No 13 Date MARCH 2006
Revision Drawn GNB

21 Kings Mill Road Driffield YO25 6TT
Tel 01377 232022 Fax 01377 259129

Public Notices	Public Notices
NOTICE OF APPLICATION FOR THE VARIATION OF A PREMISES LICENCE	
Take notice that on 3rd May 2006, Emma Louise Watkins, of Debreton Hospitality Ltd made application to the City of York Council for the variation of a Premises Licence at the following premises:	
MARMADUKES	
St Peter's Grove, Bootham, York YO30 6AQ	
The Licensing Application Register can be viewed by prior arrangement with City of York Council Licensing Section (Tel: 01904 551517) at 9 St Leonard's Place, York YO1 7ET between 8.30am and 5.00pm Monday to Friday. Representations to this application can be made in writing by any interested party or responsible authority to City of York Council Licensing & Regulatory Services, 9 St Leonard's Place, York YO1 7ET. Representations must be received by no later than 31st May 2006 being within a 28 day period beginning the first day after the application is made.	
Summary of Proposed Variations:	
The variation of the licence is to include minibars in eleven hotel bedrooms in No 5, St Peter's Grove. The licence will also include the decking area to the left of No 4 St Peter's Grove adjoining the bar and the garden to the rear of Nos 4 & 5 St Peter's Grove.	
It is an offence knowingly or recklessly to make a false statement in connection with an application for the variation of a premises licence or club premises certificate. A person guilty of such an offence is liable to a fine not exceeding level 5 on the standard scale.	

6/5/06



REVISED LAYOUT

Proposed Extension & Alterations
 St Peter's Grove, York
 of Mr D Hattersley

Client	MR D HATTERSLEY		
Project	PROPOSED EXTENSION & ALTERATIONS 4 ST PETER'S GROVE, YORK		
Title	SITE PLAN AS PROPOSED		
Prj No	DH-06-100	Scale	1:200
Drw No	02	Date	JAN. 2006
Revision	A	Drawn	GNB

Hirondelle Architects
 architecture & property development

21 Kings Mill Road Driffeld YO25 6TT
 Tel 01377 232022 Fax 01377 259129



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

Document is Restricted

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Ref No	Address	Representative Body (YES/NO)	Relevant licensing objective
1.	St Peter's Grove, York YO30	No	Public Nuisance
2.	Burton Stone Lane York, YO30	No	Public Nuisance
3.	St Peter's Grove York, YO30 St Peter's Grove York, YO30	No	Public Nuisance
4.	St Peter's Grove York, YO30	No	Public Nuisance
5.	St Peter's Grove, York YO30	No	Public Nuisance
6.	St Peter's Grove, York YO30	No	Public Nuisance
7.	Headmaster St Peter's School, York YO30 6AB	No	Public Nuisance
8.	St Peter's Grove York, YO30	No	Public Nuisance
9.	Burton Stone Lane York, YO30	No	Public Nuisance
10.	St Peter's Grove York, YO30	No	Public Nuisance
11.	St Peter's Grove, York YO30	No	Public Nuisance

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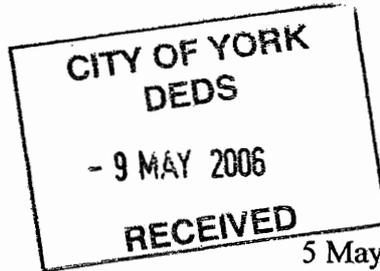
[REDACTED]

[REDACTED] St Peter's Grove
YORK YO30 [REDACTED]

Tel [REDACTED]

[REDACTED]

Janice Cockerill
Licensing Office
City of York Council
9 St Leonards Place
York
YO1 7ET



5 May 2006
116328

Dear Ms Cockerill

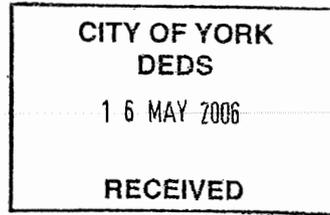
REF CYC/010461

Regarding the above application for a licence extension I wish to object and I would like to bring following points to your attention to support my objection.

1. I am amazed to discover that the premises were granted a licence at all, as had I known about an application I would have objected. I walk past this property 4 times a day, 7 days a week, and as an objector to many local planning applications, am always alert to notices. I can categorically state that no notice has ever appeared anywhere visible to the public advertising a licence application, in the last 8 years. Can you please advise what sanctions are available when such notices are not posted.
2. The extension covers live music, recorded music, dance and drinking outdoors on a residential street occupied by numerous children, including those at 3 school boarding houses. In a quiet residential street this is wholly inappropriate. The house is surrounded by residential properties, and next door, within feet of the outdoor terrace- which has not had approval by the planning authority yet-live 3 young children. One can only imagine the impact on their lives of outdoor drinking and music at midnight 7 days a week.
3. The premises is open to non residents and could attract large numbers of people to live music events in the outdoor areas, for which there is no parking, as this is a Respark area, and which would seriously blight the lives of the neighbours. As the road is a cul de sac there is no option but for most residents of this quiet road but to walk past the building.
4. Any internal licence extension would create problems at 5 St Peters because of the adjoining wall with no 6.



Yours sincerely,
[REDACTED]



Burton Stone Lane
Bootham
YORK
YO30

May 14th 2006

F.A.O. Ms Janice Cockerill.
RE CYC/010461

116381

Dear Miss Cockerill,

We are writing to express our concerns at the application by Mamadukes for a Variation to their Liquor and Entertainment Premise Licence.

Whilst our property is not in St Peters Grove we will be one of the most affected by the application, particularly if live music is allowed in the outdoor space. Marmadukes walled garden juts out at the rear of the hotel into a space between Clifton Bingo car park and The Blossoms Hotel car park, it is in effect part of Burton Stone Lane. Our garden runs parallel to it approximately 20m away with just the car park space in-between. The wall around the bingo club car park presently creates an 'echo-box' effect magnifying any sound in the vicinity. (You may wish to investigate this effect by visiting the car park.) We have noticed the on-going work at Marmadukes but were unaware of the reason for it.

When the original Licence application was made last year Marmadukes failed to notify us and neither was any 'Blue Notice' displayed where we could see it. Had we known of the application in 2005 we would most definitely have made our concerns known. Our friends and neighbours have made us aware of this application to amend the licence not Marmadukes. We think it is very remiss of them not to have personally informed us of their intentions particularly because of our close proximity to the outdoor area.

We understand that the Premise Plan in the current licence fails to accurately record the area 'outdoors' and therefore we would like to challenge this particular aspect of their present licence.

Marmadukes is in a quiet conservation area and whilst we do not object to visitors enjoying a **quiet** social drink in an outside garden **until a reasonable hour** (i.e.22.00) we are **strongly opposed** to the 'live and recorded music activities', which are being planned. The inevitable noise nuisance from these activities will not only disturb the boarding house for St. Peters School but also the young children of residents living close by, our daughter included. Residents would be unable to open windows in the summer if loud music were to be played and the children would find it difficult to sleep. Should the music licence be granted for every night of the week until midnight, as requested, the well being of local children and adults alike could be severely affected. Our personal peace and quiet in our own gardens would be ruined. If non-residents were allowed to these 'live' events then the increased numbers of people would also create more noise particularly if large amounts of alcohol were being consumed. The noise from cars and taxis arriving and departing would also be invasive. There would also be parking difficulties.

To grant this application would result in a severe degradation of the present atmosphere of this **residential conservation area**. Allowing Marmadukes to use the outdoor space for live music activities would set a precedent and the many other hotels in the area may also wish to apply for similar licences to potentially increase their business, it would be far more difficult to refuse other applications in the future.

We would like to think that the council will put its full time, council tax paying residents utmost in their thoughts and only consider: -

- An extension to the licensing hours **for internal areas only**
- Live and recorded music **only for internal areas** with the proviso that the company should take measures to ensure that any noise generated is contained within Marmadukes buildings.
- **Specifically excluding the decking and garden areas** from the licensed activities. (Supply of alcohol, live music, recorded music, activities and access to non residents.)

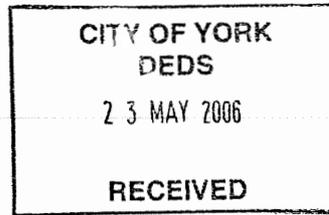
We personally would not be opposed to Marmadukes holding the **occasional** outdoor event in the summer but we would expect that on **all of these occasions** they would need to apply for a **special one-off licence** and they would have the **courtesy to adequately inform the neighbours well in advance.**

We hope that our concerns and objections will be carefully considered and trust that the licence granted will be in keeping with the 'Conservation' of this quiet residential area.

Yours sincerely

A large area of the document is redacted with black ink, obscuring the signature and any text below it.

CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE	16/05. /SR



116425

St peters Grove
York
YO30

Reference CYC/010461

Dear Ms Cockerill

I am writing with regard to the proposed licence for Number 5 St Peters Grove Marmadukes Hotel.

I am writing on behalf of my neighbours who are currently out of the country receiving medical treatment and unable to write themselves. I hope you will accept this letter on their behalf.

We were most distressed to hear that the licence now covering the establishment was sought and achieved. We had no knowledge that it had been applied for and would certainly have made representation had we seen the Blue Notice or known about it.

As residents at number 6, sharing the party wall with number 5 we have serious concerns about the impact this will have both on the street and also on our quality of living.

Our objections are as follows:

Representation would have been made concerning the licence dated 25 August 2005, but no Blue Notice was seen.

Out of doors licensed activities such as live music, recorded music, dance and events are completely out of keeping in a Residential Conservation Area and would result in a severe degradation of the amenity in St Peter's Grove.

Noise nuisance to residents from the proposed external licensed activities would be inevitable. Already we have had several incidents where drunk guests from the hotel have made significant noise in the street well into the early hours, been on our property and attempted to enter our property believing it to be the hostel. This has not been an isolated incident but has happened on a few occasions and it is wholly unacceptable in a residential area to be woken at 4 in the morning by hotel guests ringing the door bell. This is a problem as it stands and I believe the new licence gives us even greater cause for concern for the potential disruption to our right to enjoy our retirement property. We chose St Peters as a quiet and safe residential area in which to retire and we believe this licence threatens the integrity and safety of the street.

Marmadukes has insufficient off-street parking to service any events open to non-residents of the hotel.

The rear garden area and side decking area should be specifically excluded from the authorised licensed activities of live music, recorded music, activities, and the supply of alcohol, in order to minimise noise nuisance to neighbours.

Even if any granted extension of opening hours were to be confined to areas internal to Nos. 4 - 5, there is wholly inadequate soundproofing between number 5 and 6 to make an entertainment licence tolerable to those in number 6 without significantly impinging on our quality of life.

Many thanks for considering our concerns,

[REDACTED]

CITY OF YORK COUNCIL
 APPLICATION ACKNOWLEDGED
 DATE 23/05 [Signature]

CITY OF YORK
 DEEDS
 23 MAY 2006
 RECEIVED

St peters Grove
 York
 YO30

116426

Reference CYC/010461

Dear Ms Cockerill

I am writing with regard to the proposed licence for Number 5 St Peters Grove Marmadukes Hotel.

I was most distressed to hear that the licence now covering the establishment was sought and achieved. I had no knowledge that it had been applied for and would certainly have made representation had I seen the Blue Notice or known about it.

As a resident at number 6, sharing the party wall with number 5 I have serious concerns about the impact this will have both on the street and also on my quality of living.

My objections are as follows:

Representation would have been made concerning the licence dated 25 August 2005, but no Blue Notice was seen (if this were the case).

Out of doors licensed activities such as live music, recorded music, dance and events are completely out of keeping in a Residential Conservation Area and would result in a severe degradation of the amenity in St Peter's Grove.

Noise nuisance to residents from the proposed external licensed activities would be inevitable. Already we have had several incidents where drunk guests from the hotel have made significant noise in the street well into the early hours, been on our property and attempted to enter our property believing it to be the hostel. This has not been an isolated incident but has happened on a few occasions and it is wholly unacceptable in a residential area to be woken at 4 in the morning by hotel guests ringing the door bell. This is a problem as it stands and I believe the new licence gives us even greater cause for concern for the potential disruption to our right to enjoy our property.

Marmadukes has insufficient off-street parking to service any events open to non-residents of the hotel.

The rear garden area and side decking area should be specifically excluded from the authorised licensed activities of live music, recorded music, activities, and the supply of alcohol, in order to minimise noise nuisance to neighbours.

Even if any granted extension of opening hours were to be confined to areas internal to Nos. 4 - 5, there is wholly inadequate soundproofing between number 5 and 6 to make an entertainment licence tolerable to those in number 6 without significantly impinging on our quality of life..

Many thanks for considering my concerns,



4

CITY OF YORK
DEDS
26 MAY 2006
RECEIVED

[Redacted]
St Peters Grove
YORK
YO30 [Redacted]

24 May 2006

Ms Janice Cockerill
Licensing Office
City of York Council
9 St Leonards Place
YORK
YO1 7ET

115461

Reference CYC/010461

Dear Ms Cockerill

I understand from a fellow resident of St Peters Grove that Marmadukes hotel has previously applied for an extension to their licence for the supply of alcohol and entertainment. I was surprised to hear of this I was not aware of any application being made last year.

My concern with any such license would be the potential increase in noise levels in St Peters Grove. I understand that the license permits the playing of live or recorded music outside the building. I believe that this provision would not be in keeping with the residential conservation area the street is situated in.

Yours sincerely

[Redacted Signature]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 26/05/06 [Signature]

5

118407

St. Peters Grove
York YO30

16th May 2006

FAO: Janice Cockerill
Licencing Office
City of York Council
9 St. Leonards Place
York
YO1 7ET

PLANNING
26 MAY 2006
DESIGN

RE. CYC/010461
Licence application by Marmadukes 4-5 St. Peters Grove

Dear Ms Cockerill

We are writing to express concern over the licencing application by Marmadukes on St. Peters Grove.

It has recently come to our attention that a licence was granted to Marmadukes last year for the supply of alcohol and music indoors and outdoors. We are greatly concerned about any of these activities taking place outside the hotel, as it is situated in a quiet residential area and there would be inevitable noise nuisance to neighbours.

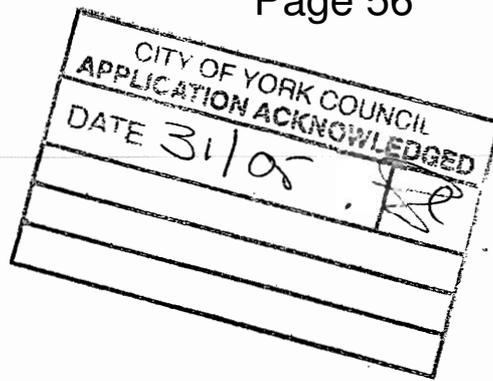
We did not see a notice outside the hotel last year informing neighbours of the application and as we understand it, the current notice was only put up earlier this month after a neighbour by chance found out that an application had been submitted. A system that does not inform neighbours of such significant changes, is in our view not acceptable. Neighbours sharing a boundary to the back of a property, but on another street or neighbours living on a cul de sac will never be given a fair chance to find out about such applications.

We also feel that, as there are several hotels situated on the street, granting an outdoor licence sets a precedent and quiet summer evenings would soon be a thing of the past. (A couple of years ago a hotel further down the street had its planning application for an outdoor bar area rejected for noise reasons).

Yours sincerely

[Redacted signature block]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGEMENT
DATE: 26/05/06 [Signature]



St. Peter's Grove
York
YO30

Janice Cockerill
Licensing Office
9 St Leonards Place
York
YO1 7ET

30 May 2006

Dear Ms Cockerill,

Re: Application for Variation of Premises Licence by Marmadukes 4-5 St. Peter's Grove, CYC/010461

I write to express our objections to the variation in Premises Licence sought by Marmadukes 4-5 St. Peter's Grove (CYC/010461).

Marmadukes obtained their current Premises Licence on 25 August 2005. This licence vastly extended the licensed activities, and licensed hours, permitted at this address. At the time we made no representation against the application, as we did not see the statutory Blue Notice posted by the company outside the premises. We have not met a single neighbour who saw this notification. We understand that not one resident made a representation concerning this application, and as a result of an absence of objections, the licence was granted in full. For the record, I wish to stress that, had we seen this notice, we would certainly have registered our objections.

On 06 April 2006, Marmadukes applied for a variation to their Premises Licence. We discovered this application by chance towards the end of April. At this time all other neighbours with whom we spoke were unaware of this application. Subsequently, licensing officials found that the obligatory Blue Notice had not been clearly posted by the company, and ruled that the representation period should start over again.

With regard to the current application, we believe that it would be wholly inappropriate to include the rear garden, and the raised decking adjacent to No. 4, as part of the licensed area. St. Peter's Grove is in a Conservation Area and is primarily residential in nature. The expansion of commercial entertainment activities to these outside areas would significantly degrade the outdoor residential amenity of the street, and would severely undermine the established character of St. Peter's Grove. Commercial companies such as Marmadukes, who choose to operate within a residential Conservation Area, have a responsibility to ensure that their business activities preserve the existing character of the immediate Conservation Area. The outdoor activities of supply of alcohol, late night refreshment, live and recorded music, and activities such as dance etc, are unprecedented among the other hotels in this street and are not consistent with this responsibility, as commercial noise intrusion to residential neighbours would be inevitable. Additionally, commercial late night outdoor entertainment activities can only negatively impact the many young children living in the street. To my knowledge, at least five families with young children, including ourselves, live in the *immediate* vicinity of Marmadukes; in addition there are three school boarding houses on the street (see enclosed map). The fact that the majority of residents on St. Peter's Grove are under the age of sixteen underscores how inappropriate this commercial expansion would be. We therefore believe that both these outside areas should be expressly excluded from all licensed activities.

The existing premises licence includes licensing non-residents of the hotel for all licensed activities. Marmadukes has insufficient off-street parking available to meet non-resident parking requirements for any outdoor events.

The raised decking area that has been built to the side of No. 4 has a particular impact on our home at No. 3 St. Peter's Grove. The houses are tall Victorian villas with exterior house walls that are relatively close together. The decking area (shown on the enclosed map) ends three meters away from the exterior wall, the front door, and windows of our home. The decking area has been raised above ground level: this compounds the proximity of both house walls, magnifies sound and projects it into the upper floors of our home. French doors have been installed from the Marmadukes bar area directly out onto the decking. These are frequently latched open, resulting in the general noise from their existing bar area being magnified by the soundboard that they have built. Currently, seating for twenty has been installed on the raised decking area. It is difficult to see how the intended use of this area can do anything other than cause a serious commercial noise intrusion into our home. This is completely inappropriate in a residential Conservation Area and we therefore believe that the decking to the side of No. 4 should be specifically excluded from all the licensed activities.

Our experience of Marmadukes has shown them to be unreliable neighbours to date. Despite previously asking the owner of the hotel about his company's exterior plans, the raised decking structure was never mentioned and was built with no prior consultation with us, over a period when we were away on holiday. Our resulting concerns regarding noise nuisance have been ignored. The company's January 2006 written commitment to install a screening trellis to reduce line of sight privacy intrusion never materialised. As a result of no movement by the company, we have extended the boundary wall and installed a screening trellis, at our expense. However, although we have been able, at considerable expense, to address direct line of sight privacy issues, noise nuisance resulting from the expansion of the bar onto the outside decking area remains. On at least one occasion to date, Marmadukes has displayed a cavalier disregard towards its statutory responsibility to display a Blue Notice in a position where it is clearly visible to residents, and there seems considerable doubt as to whether the Blue Notice was appropriately posted on the previous occasion in August 2005, thus showing a complete disregard for its neighbours and the surrounding neighbourhood. This is not consistent with a company wishing to expand in such a way that strikes a balance between its own commercial needs and those of the residential community in which it resides. In our experience, we have found them totally unresponsive to our legitimate concerns regarding the impact of their proposed use of the decking area on the amenity of our home, and we have little confidence that the hotel will effectively manage this in the future.

Marmadukes has also applied to extend its licensed hours over Christmas and New Year. We believe that any granted extension of opening hours should be confined to the internal areas of No. 4-5, and that the company should take all measures to ensure that noise is contained within those buildings.

In our view, hotels and guest houses provide an important service to the economy of this city and we fully support their endeavours. However, those who choose to position themselves in the midst of a primarily residential Conservation Area have an ongoing responsibility to strike a balance between their commercial needs and those of their neighbouring residential majority.

Yours sincerely,

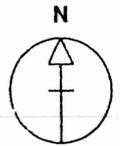
A large black rectangular redaction box covering the signature and name of the sender.

Encl: Index map of St. Peter's Grove



MARMADUKES VARIATION OF LICENCE

Ref: CYC/010461

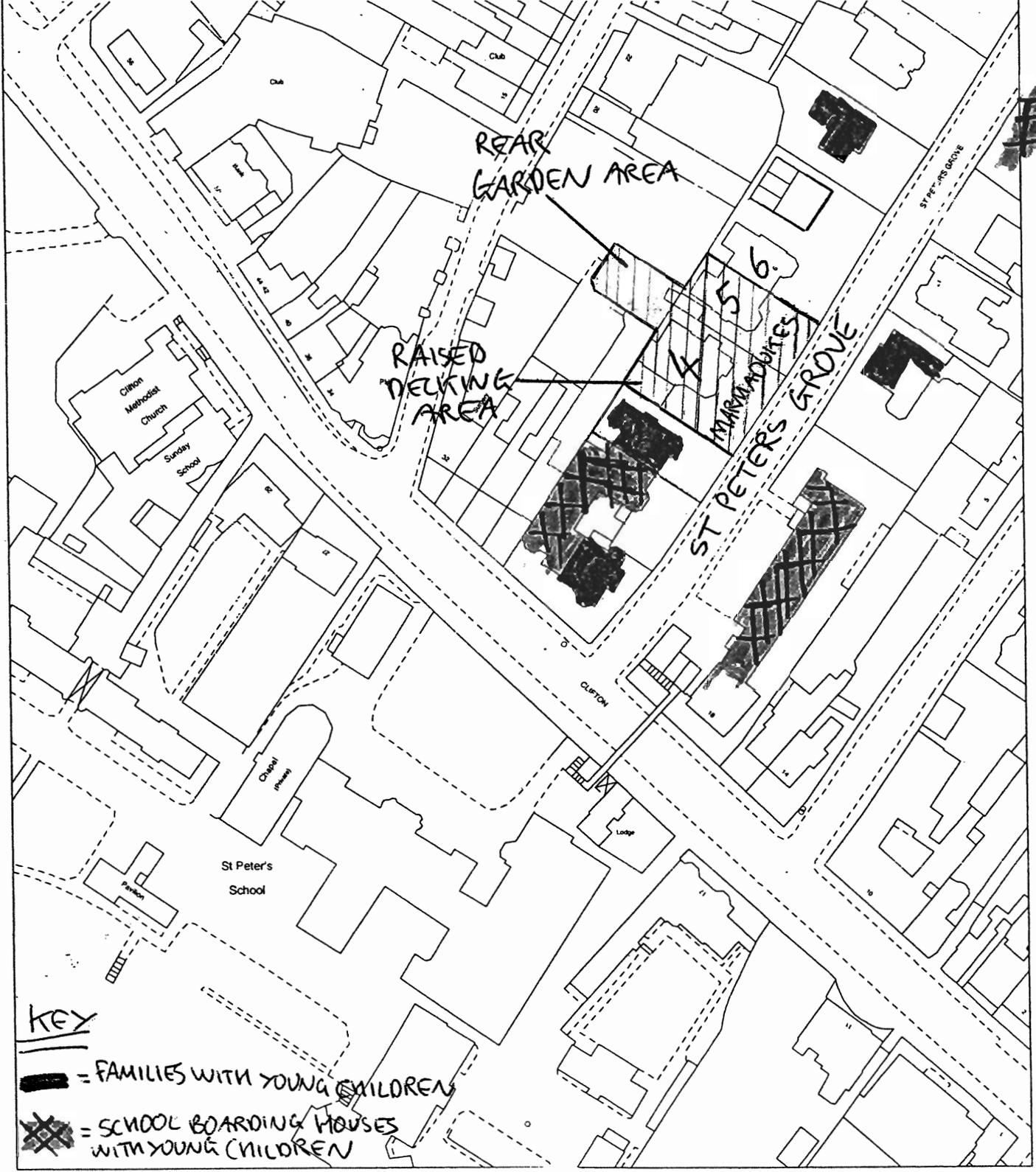


ORDNANCE SURVEY MAP REFERENCE:

SE5952NE

SCALE 1:1250

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This plan shows information taken from the index map. It is illustrative only and does not define the extent of the land in any individual title. For information about the general boundaries of a title please refer to the register and filed plan.



7

From: The Head Master
R I Smyth MA

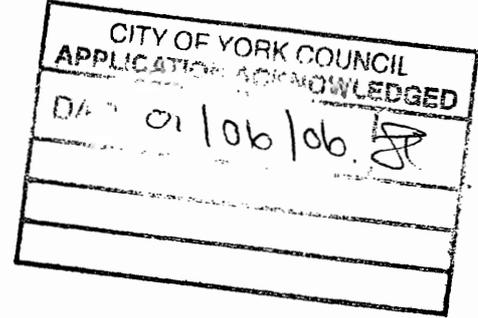
St Peter's School

York

YO30 6AB

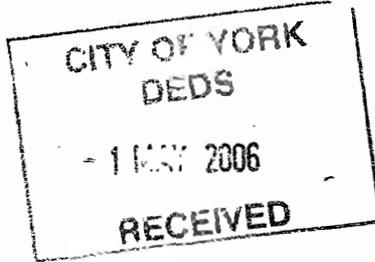


Telephone: 01904 527408
Fax: 01904 527302
email: j.green@st-peters.york.sch.uk
www.st-peters.york.sch.uk



31 May 2006

Ms J Cockerill
• Licensing Office
City of York Council
9 St Leonards Place
York
YO1 7ET



116483

Dear Ms Cockerill

APPLICATION FOR VARIATION OF LIQUOR & ENTERTAINMENT PREMISE LICENCE BY MARMADUKES, 4-5 ST PETER'S GROVE: REF. CYC/010461

I would like to question the appropriateness of this application considering St Peter's Grove is a residential area. St Peter's School has two boarding houses, The Manor and Dronfield with up to 100 boarding pupils in St Peter's Grove, with Linton House, some 100 yards further down The Grove, housing a further 50 boys.

We are concerned about the application to have live and recorded music and activities outdoors as well as indoors. This presents a potential conflict with our pupils living in a residential area.

We wish these concerns to be taken into consideration when you look at this licensing application.

Yours sincerely

**Richard Smyth
Head Master**

████████████████████

ACKNOWLEDGED

██████████
St. Peters Grove
York
Y030 ██████████
15th May 2005
████████████████████

Attn : Mr Matthew Parkinson and Ms Janice Cockerill
Licensing Office, City of York Council,
9 St Leonards Place
York
Y01 7ET

Re: Planning Applications - 06/00839/Ful & CYC/010461

Dear Sir and Madam

The above planning applications have been brought to our attention. We understand that the deadlines for objections are the 26th May and 17th May respectively.

As the two applications concerns "Marmadukes" at 4-5 St Peters Grove please accept this combined objection to the plans outlined in the applications.

With reference to CYC/010461.

We understand that additional time has been granted with regard to this license application and we are very grateful for that as it certainly was not obvious to us that the initial "Blue notice" was posted. We certainly did not see this. From our reading of the license application we have the following comments.

- a) Representation would have been made concerning the licence dated 25 August 2005, but no Blue Notice was seen.
- b) Out of doors licensed activities such as live music, recorded music, dance and events are completely out of keeping in a Residential Conservation Area and would result in a severe degradation of the amenity in St Peter's Grove.
- c) Noise nuisance to residents from the proposed external licensed activities would be inevitable
- d) Marmadukes has insufficient off-street parking to service any events open to non-residents of the hotel.

SCANNED

- e) The rear garden area and side decking area should be specifically excluded from the authorised licensed activities of live music, recorded music, activities, and the supply of alcohol, in order to minimise noise nuisance to neighbours.
- f) Any granted extension of opening hours should be confined to areas internal to Nos. 4 - 5, and the company should take measures to ensure that any noise generated is contained within those buildings.

We think this is only fair given the location of the property and the extensive remodelling that has taken place. We certainly chose the location for our apartment for the quiet location and the peace of the area. We do not want to see this deteriorate.

Re : Planning application : 06/00839/Ful

We are concerned with the level of remodeling of the premises in general and have seen a number of features added such as a very large fountain, the intention to create a "roman garden", a constructed "lean-to" extension and considerable decking.

We feel this style of remodeling is very much in conflict with the "Edwardian" feel of St Peters Grove" and given we understand we are in a residential conservation area we feel that more subdued and tasteful renovations more in keeping with the feeling of the area.

Furthermore it does seem that when taking the two applications together that the intention of Marmadukes is to use the site for many activities that would absolutely not be in keeping with the area.

I hope you take our concerns into account and regard them as serious and sincere objections to the plans currently being made.

Please acknowledge receipt of this letter.

Kind regards


May 15th 2007.

SCANNED

Marmadukes

9

From: [redacted]
Sent: 16 May 2006 20:26
To: licensing.unit@york.gov.uk
Subject: Janice Cockerill; Licensing Office CYC/010461

I am dismayed about the creeping change to this area away from the residential status we are entitled to, our residence parking rights already are restricted by mixed usage of the area. When we first moved here we had major noise problems from the social club, sometimes we here the Burton Stone Pub. The very last thing we need is more social and noise problems. We saw no blue notice to object to the liscensing application. This should have gone out to all local people regardless of what the government says, what is the cost of a few stamps against the possible loss of residents (council tax payer's) quality of life.

I would have mader representation concerning the licence dated 25 August 2005, but no Blue Notice was seen. Out of doors licensed activities such as live music, recorded music, dance and events are completely out of keeping in a Residential Conservation Area and would result in a severe degradation of the amenity in St Peter's Grove and in the backing area adjacent to the car park behind which is overlooked by many residents who will have no sound protection, noise nuisance to residents from the proposed external licensed activities would be inevitable. Marmadukes has insufficient off-street parking to service any events open to non-residents of the hotel, we already suffer from second rate residents parking but pay the same. The rear garden area and side decking area should be specifically excluded from the authorised licensed activities of live music, recorded music, activities, and the supply of alcohol, in order to minimise noise nuisance to neighbours and any granted extension of opening hours should be confined to areas internal to Nos. 4 - 5, and the company should take measures to ensure that any noise generated is contained within those buildings.

[redacted]
Burton Stone Lane
York
Yo30
[redacted]

CITY OF YORK
DEDS
22 MAY 2006
RECEIVED

25/05
telephone request made
for signed copy [signature]

St Peter's Grove
Bootham
York
YO30

**Application for Variation of Liquor & Entertainment Premise Licence by
Marmadukes, 4-5 St Peter's Grove – Reference CYC/010461**

31st May 2006

City of York Council
Licensing & Regulations
9 St Leonard's Place
York
YO1 7ET

Dear Sir/Madam

I am writing to vehemently oppose the application made by the proprietor of Marmadukes Hotel for the variation of liquor and entertainment premise licence, due to the following concerns:

Protection of Children

As St Peter's Grove is predominantly a residential street and houses 130 school children that attend St Peter's School, it concerns me that hotel guests, potentially made up of hen and stag parties, being allowed to drink alcohol outside till midnight could compromise the safety of children and families in the street.

Prevention of Public Nuisance

With the extension to their licensing hours (which appears to have been granted without the proper statutory notice being given) the negative impact on the street and neighbours is inevitable. My property adjoins Marmadukes and my sleeping quarters are at the rear of my property, therefore, when guests are drinking in the rear garden at Marmadukes and listening to live or recorded music, this will not allow me or my neighbours to sleep till the early hours. I would also like to add that the granting of a late license and with live music being played on an ongoing basis will severely disrupt the quality of life enjoyed by myself and my neighbours, as the application has been requested for every day of the year and therefore the disruption and noise pollution will be relentless. I cannot stress enough how unfair this is and how inconsiderate the proprietor of Marmadukes is being.

Prevention of Crime and Disorder

York City Council controls drinking and rowdiness well in the city, with the ban on drinking in the street in Bootham and other areas for the reasons of crime and disorder prevention and by the investment of CCTV cameras, by giving hotels late licenses and customers the opportunity to drink outside, the whole idea of control is negated. The

proprietor of Marmadukes should have purchased a hotel in the city centre rather than disrupt a quiet cul de sac in a conservation area if he wanted to encourage drinking in the city. We all know that alcohol consumption causes crime and disruption in all parts of the city.

Public Safety

The outdoor area of Marmadukes is now surrounded by wooden decking, this in itself is a potential fire hazard. As the hotel is open to residents and non residents there is insufficient parking at the hotel.

I would be most grateful if you would take these important issues into account and reject their application to vary their liquor licence and would appreciate confirmation forthwith. Should you wish to contact me, please do so on mobile 07901 513946.

Yours sincerely

[REDACTED]

11

[Redacted]
[Redacted] St Peter's Grove
York
YO30 [Redacted]
Tel [Redacted]
[Redacted]

ACKNOWLEDGED

Matthew Parkinson
9 St Leonard's Place
York
YO1 7ET

15 May 2006

06/00 839/FUL

Dear Sir,

Planning Application by Marmadukes, 4-5 St Peter's Grove, York

I would like to register my objection to the proposed variation of the Premise Licence for the above property.

To begin with, I was horrified that the original Premise Licence had been granted last year. In discussions with neighbours I have discovered that no-one saw the statutory notice displayed.

Now, with an application for a variation in this licence, it seems that there was a failure to adequately display a notice. Could this have been the case last year and if there is a doubt, can the licence be reconsidered?

Now a notice regarding the variation has been posted outside the premises, I am deeply concerned about the proposal to licence the outside area, in particular the raised deck adjoining 3 St Peter's Grove.

St Peter's Grove is a residential road in a conservation area. There are a great number of children in residence in this road and they should be able to live here without being disturbed by late night outdoor drinking and music.

During the past year there have been several occasions when I have seen people drinking in the driveway of 4 St Peter's Grove and standing on the pavement outside Marmadukes with beer in their hands. This creates a very bad impression and is surely unsuitable in a residential road.

Marmadukes undoubtedly fulfils a valuable need for tourist accommodation, but it should do so in peace and harmony with its neighbours.

Yours sincerely,

[Redacted signature]

RECEIVED

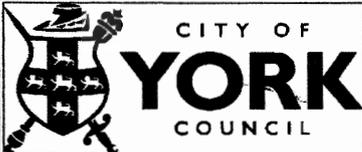
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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ANNEX 6



4 & 5 ST. PETER'S GROVE



SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 5/6/2006
 Drawing No.

SPGM1A

9, St Leonards Place, York, YO1 2ET
 Telephone: 01904 613161

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City of York Council LA 1000 20618

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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.

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Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s34 application to vary premises licence; s35 determination of application under section 34; s36 supplementary provision about determinations under section 35; 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) 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 5.47 Steps to promote the licensing objectives; 13.25 to 13.29 Variations of new premises licences.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 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; 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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