

## AGENDA SUPPLEMENT

### Licensing/Gambling Hearing

**To:** Councillors D'Agorne, Melly and Orrell

**Date:** Thursday, 25 August 2022

**Time:** 10.00 am

**Venue:** Remote Hearing

The Agenda for the above meeting was published on **17 August 2022**. The attached additional documents are now available for the following agenda item:

- 6. The Determination of a Section 35(3)(a) (Pages 1 - 32)**  
**Application by Old Grey Mare Ltd for**  
**Variation of a Premises Licence in respect**  
**of The Old Grey Mare, Clifton Green, York,**  
**YO30 6LH (CYC-9044)**

Additional information submitted by the Applicant and one of the Representors.

This agenda supplement was published on **23 August 2022**.

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**Licensing Hearing 25 August 2022**

**The Old Grey Mare**

**Additional documents submitted by Applicant**

- Case Summary
- Bundle of Photographs

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BEFORE THE CITY OF YORK COUNCIL LICENSING SUB COMMITTEE  
IN THE MATTER OF THE LICENSING ACT 2003  
AND IN THE MATTER OF THE OLD GREY MARE, CLIFTON GREEN, YORK

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**CASE SUMMARY OF THE OLD GREY MARE LIMITED**

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1. The Old Grey Mare is an old coaching inn occupying a prominent position at Clifton Green, York, a short way out of the city centre. At page 1 of the accompanying bundle of photographs is an exterior view of the front elevation. Its location is marked on the plan at Annex 6 to the Notice of Hearing.
2. The Old Grey Mare Limited has applied for a variation of the Premises Licence number CYC 009044 relating to The Old Grey Mare, Clifton Green. The application is dated 10 June 2022 and a copy of it is at Annex 1 to the Agenda circulated by the Council's Democratic Services Manager by e-mail dated 17 August 2022.
3. The Applicant seeks permission:
  - 3.1. To make alterations to the premises which are a substantial improvement upon the original layout and state of the premises;
  - 3.2. To change the use of what was the public bar and pool room to that of a retail delicatessen from which off sales will be made;
  - 3.3. To extend the time from which alcohol may be sold/supplied so that sales/supply may be made from 08.00 hrs in the morning (the current start time

is 10.00 hrs) albeit such sale/supply in the period 08.00 to 09.59 hrs will be as an ancillary to the supply of food.

4. This is in essence a retrospective application to regularise the position at the premises because although the Applicant obtained from City of York Council all necessary planning and building and listed building consents it inadvertently overlooked the necessity to obtain a variation to the Premises Licence. This was entirely by way of oversight on the part of the Applicant; it was in no way intended to ignore the licensing requirements.
5. The current Premises Licence is shown at Annex 2 to the Notice of Hearing. So far as is relevant for the current application it shows that the supply of alcohol is licensed from 10.00 hrs each day until midnight, that recorded music may be played indoors between the same times and that live music may be played/performed indoors or outdoors between those hours.
6. The only change to those already licenced activities is that noted at paragraph 2.3 above (although the deregulation information relating to some activities at Annex 3 to the Notice of Hearing has some relevance to indoor activities).
7. The existing premises plan is also to be found at Annex 2 to the Notice of Hearing. This plan's preparation pre-dates the Applicant's interest in the premises. It is not coloured but it shows that alcohol could be supplied/consumed in those part of the premises marked, "trading area" and also there was provision for the consumption of alcohol on those parts of the premises labelled, "outside eating and drinking area" and "outside drinking area". At pages 1, 2 and 3 of the attached Bundle of Applicant's photographs are pictures showing the exterior front elevation (unchanged) and the outside terrace area prior to the Applicant undertaking the conversion works.

8. The Old Grey Mare Limited is a company which was incorporated on 19 January 2021. Its directors are Mr & Mrs Caulfield and Mrs Caulfield, who is the holder of a Personal Licence issued by York City Council, is the Designated Premises Supervisor.
9. The Applicant has taken a 20-year lease of The Old Grey Mare and has made a substantial investment in the changes to the premises which at the time that is acquired the lease had been closed for some time. The Applicant has invested heavily in The Old Grey Mare, in excess of £350,000, to bring it back to life in a substantially enhanced form, offering not only drinking and dining but the delicatessen which is a new venture intended to provide an additional service both to customers of the premises and passing trade.
10. The new plan of the premises is shown at Annex 1 to the Hearing Notice. The areas in which alcohol will be supplied/consumed are out lined in red, the kitchen area in blue and the re-vamped toilets in yellow.
11. The area in which alcohol will be supplied/consumed is different to that shown in the existing plan at Annex 2.
  - 11.1. What was the bar/pool room area is now the delicatessen where there will be off sales of a limited range of wines and craft beers. The bar/pool room as it was is shown at page 8 of the Bundle and the delicatessen is shown at pages 16 and 17.
  - 11.2. There is now no provision for an outside drinking area in the car park;
  - 11.3. The external terraced area has been refurbished and a canopy added to part of the area, that will keep customers sheltered from the weather and dampen

noise from those using the outside area. The old layout is shown at pages 2 and 3 of the Bundle and the improvements made are shown on the pictures at pages 12 and 13.

- 11.4. The walled garden area shown on the plan has been created to enhance the external area and the wall will help to deaden the sound of customers using the area. It is shown in the background beyond the covered external area on the picture at page 12.
- 11.5. A new enclosed bar area, labelled the Wine Cave, has been created adjacent to the existing terrace area. This is shown in the pictures at pages 14 and 15. It is intended that it will principally be used on Fridays and Saturdays, particularly for private, pre booked, groups.
12. Examples of the original internal layout and décor is shown at photographs 4 to 8 in the Bundle. The refurbished interior is shown at photographs 9 to 11 of the Bundle.
13. The premises now employ some 12 people, all the jobs having been created with the re-opening of the premises in its new state. Once the restaurant offering is fully functioning staffing will increase to 15 to 16. The Old Grey Mare has 10 bedrooms which were let out by the previous management. They are in need of redecoration and refurbishment so are not being advertised or used at the moment but when circumstances allow, they will be redecorated and re-equipped and brought back into operation. It is envisaged that will increase staffing levels to 18 to 21.



14. The delicatessen stocks vegetables, cheeses, fresh fish, coffee, pastries and a limited selection of wines and craft beers. Much of the produce on sale is sourced locally.

**Representations/Objections**

15. It is noteworthy that no representation has been made, and no has objection to the application has been raised by the any of the Responsible Authorities; the Police (Police Licensing Officer Sam Bolland) and the Applicant reached agreement regarding the matters to be specified in the operating schedule before the application was submitted.
16. Representations by others are at Annex 5 to the Hearing Notice. They break down into 3 areas;
  - 16.1. the extension of the time for consumption of alcohol from 08.00 rather than the current 10.00;
  - 16.2. noise generated by the premises; and
  - 16.3. the (alleged) extension of the outdoor area for the premises' activities.
17. It seems to the applicant that those objecting to the extension of the time for the supply of alcohol have overlooked the limitation of it being allied to the supply of food. It is not intended by the applicant that it will replicate a 'Wetherspoons' type operation; it is not anticipated that there will be any significant supply of alcohol in the additional 2 hours and supply will be limited to those eating at the premises. It is felt by the Applicant that until the bedrooms are refurbished and brought back into use, this facility will be little used. It is anticipated that the limited demand envisaged for the facility will not

be from outside customers but rather those being accommodated in the bedrooms.

18. The premises are already licensed for the provision of outdoor live music. However, the applicant acknowledges that a recent performance by a band was louder than had been anticipated and the applicant will take steps to ensure that live music will be played at a lower sound level in future.
19. It is not accepted that the outdoor area is being extended; the existing plan shows that the car park area is designated as 'outside drinking area'. It is not intended by the applicant that the car park area will be so used in future. The walled garden area is not an extension, and the existing terrace has been refurbished and partially covered. The Wine Cave is an additional feature, but it is an enclosed building with limited planned usage; see paragraph 11.5.
20. The significant amount spent by the Applicant on the works have greatly improved the premises and saved a long-standing public house from being converted into flats or a retail unit. The offering for customers has been substantially improved and jobs have been created. It is an enhanced asset for the area.
21. It is not the applicant's desire to have disharmony with its neighbours. It has expended a very large amount of money in upgrading and enhancing the premises and its offering to the public; it wants to attract its neighbours to be customers. It has agreed an operating schedule with the police which meets the Licensing Objectives.
22. In the circumstances, the Applicant submits that its Application meets the necessary requirements of the Local Authority and it should be granted.

Dated this 22 day of August 2022

*Schofield Sweeney*

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BEFORE THE CITY OF YORK COUNCIL

LICENSING SUB-COMMITTEE

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF THE OLD GREY MARE, CLIFTON GREEN, YORK

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**PHOTOGRAPHS**

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<b>Description</b>	<b>Page No</b>
External view of The Old Grey Mare – Front Elevation	1
View of terraced eating/drinking area – pre-conversion	2
View of outside eating/drinking area – pre-conversion	3
Bar – pre-conversion	4
Bar – pre-conversion	5
Bar – pre-conversion	6
Dining area – pre-conversion	7
Public bar/pool room – pre-conversion	8
Bar area post-conversion	9
Bar post-conversion	10
Dining area post-conversion	11
Outside area with pergola roof and walled garden	12
Outside area post-conversion	13
Wine cave	14
Wine cave	15
Delicatessen	16
Delicatessen	17































































**Licensing Hearing 25 August 2022**

**The Old Grey Mare**

**Additional document submitted by Representor no. 2**

- Information to supplement representation

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**SUBMISSION IN RESPECT OF THE APPLICATION BY OLD GREY MARE LTD, CLIFTON GREEN,  
YO30 2LH, FOR VARIATION OF A PREMISES LICENSE**

Whilst understanding the wishes of the Old Grey Mare to be able to sell alcoholic drinks with breakfasts to residents on celebratory occasions, for the reasons given below I would ask the committee to consider restricting the serving of alcohol at the earlier hours requested to INDOORS only.

The Old Grey Mare is situated adjacent to the street footpath on Clifton Green. The outdoor eating/drinking area being raised a little above the footpath and contained by a low wall and railings in full view of passers-by. This footpath is on the direct route from the Youth Hostel and other locations favoured by parties of young schoolchildren visiting York. It is also a very busy route for children, including primary school age and below, attending the many schools and playgroups in the Clifton area. I feel strongly that the serving of alcoholic drinks with breakfast in the outdoor area at these early times would set a very bad example to the children passing by implying that consumption of alcohol at breakfast is a normal acceptable event.

**LIVE MUSIC**

This is not part of the application but I think the committee should be aware of an apparent error in the License at Annex 2, which shows permission for live music indoors and outdoors, whilst the license published on the Register and available to the public on line shows this to be only permitted indoors. Having attended the hearing for the original license in 2005, I believe the one on the Register (indoor only) conforms with the decision at the time. I have drawn the attention of the Licensing Services to this discrepancy today.

18th August 2022

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