

BEFORE THE CITY OF YORK COUNCIL LICENSING SUB COMMITTEE
IN THE MATTER OF THE LICENSING ACT 2003
AND IN THE MATTER OF THE NEW HOLGATE HOTEL (FORMERLY HOLGATE BRIDGE
HOTEL), 106 – 108 HOLGATE ROAD, YORK

CASE SUMMARY OF NEW HOLGATE LIMITED
FOR THE HEARING BEFORE
THE LICENSING SUB-COMMITTEE (REMOTE) 10.00AM 12 JUNE 2023

Background

1. The Applicant, New Holgate Limited, of 48 Goodramgate, York, YO1 7LF has applied for a Premises Licence for the Property at 106/108 Holgate Road, York, YO24 4BB ("the Property") which was previously known as The Holgate Bridge Hotel and is now to be known as The New Holgate Hotel. This Case Summary is served in support of the Applicant's Premises Licence application.
2. The Property is a Grade II building dating from 1864 and is in a row of similar properties on Holgate Road, York running between St Paul's Square and Watson Street. The Property was previously operated as The Holgate Bridge Hotel (the box girder bridge over the railway is close by) which was an unlicensed hotel with some 16 letting bedrooms.
3. The Applicant company purchased the Property for in excess of £1.4 million with the intention of reopening it as an upmarket boutique hotel catering for residents who would pay something in the order of £300 per night. The previous owners of the Property live next door and also operate the Holmewood House Hotel at 112/114 Holgate Road, York.

4. The Applicant is currently carrying out a refurbishment of the Property including stripping out modern partitions and boarding to increase the size of the letting bedrooms (and reduce the number to 12) and also exposing previously hidden original features such as ceiling plasterwork roses.
5. The Applicant's intention is to operate an upmarket boutique hotel with dining facilities for residents and others. The restaurant will provide some 16 covers, a small basement 'Whiskey' bar will have 12 covers, and with an outside dining area for use in the summer period providing some 32 covers. The Applicant's plan is that this operation is accommodation/food-led, and it is not the Applicant's intention that this is simply to be another public house serving food. The Applicant intends to serve local sustainable wines, local gluten free bottled beers, gin and some selected spirits, together with soft drinks and water. There will be no draft beers and the spirits offering will be restricted.
6. The Applicant has been given notice of a host of objections which have been lodged with the Licensing Authority in relation to its application. The tenor of many of the representations which have been filed with the Licensing Authority suggest that the operation proposed by the Applicant at the Property will be an unusual feature of the area and which is out of keeping with the area and its residents. Those objections ignore the fact that:-
 - 6.1. The Property was formerly operated as a hotel (albeit without a Premises Licence);
 - 6.2. The Holmewood House Hotel carries on business at 112/114 Holgate Road (without a Premises Licence);
 - 6.3. There is a Premier convenience store at the corner of Holgate Road and Watson Street (96A Holgate Road) which has the benefit of an off-licence allowing the sale of alcohol

for consumption off the premises between 08:00 hrs to 23:00 hrs daily and on Sundays between 10:00 hrs and 22:30 hrs.

- 6.4. The premises between the Premier convenience store and the Property are essentially houses in multiple occupation by students;
- 6.5. St Paul's Lodge, 120 Holgate Road, has a Premises Licence providing for live music, recorded music, activities like music/dance, facilities for making music, facilities for dancing, facilities like music/dance, late night refreshment and the supply of alcohol. Its licensable activities are 10:00 hrs to 23:00 hrs seven days per week and for late night refreshment between 23:00 hrs and midnight each day. Alcohol may be supplied to residents 10:00 hrs to 02:00 hrs.
- 6.6. The Astor Hostels (formerly known as The Holgate Hill Hotel), 124 Holgate Road has a Premises Licence for recorded music, late night refreshment and the supply of alcohol. Alcohol may be supplied between 10:00 hrs and midnight on weekdays and on Sundays 12:00 to 23:30 hrs. Intoxicating liquor may be sold or supplied at any time to persons residing at the premises or their private friends bona fide entertained by them at their own expense.
- 6.7. Kilima Hotel (Best Western), 129 Holgate Road has a Premises Licence for the supply of alcohol. The permitted hours are weekdays 10:00 hrs to 23:00 hrs and Sundays 12:00 hrs to 22:30 hrs. The permitted hours do not prevent the sale or supply of alcohol to or consumption of alcohol by any persons residing at the premises or the ordering of alcohol to be consumed off the premises or the despatch by the seller of alcohol so ordered.
- 6.8. The Volunteer Arms, 5 Watson Street has a Premises Licence providing for live music and recorded music, facilities like music/dance and the supply of alcohol. The

permitted hours for licensable activities are 10:00 hrs to midnight Monday to Thursday, 10:00 hrs to 01:00 hrs Fridays and Saturdays and 12:00 hrs to 23:30 hrs on Sundays.

A Schedule setting out the main licensing provisions of local premises is attached together with copies of the Premises Licences of the premises mentioned at paragraphs 6.3, 6.5, 6.6, 6.7 and 6.8 are attached to this Case Summary.

7. Accordingly it is the Applicant's case that far from being a departure from activities carried on in the area, what the Applicant proposes at the Property is very little different from what is already happening in the area at the moment save that, perhaps, the nature of the operation at the Property as proposed by the Applicant will be serving a more restricted market because of its price structure and the very nature of its operation i.e. a boutique hotel focussing on accommodation and food.
8. The Property will have 12 letting bedrooms with carparking to the rear with access off Watson Terrace. The carpark arrangements are no different to those of the former owners. Guests will be directed to the rear of the Property for parking their cars, but otherwise the main focus for those coming and going from the Property will be the entrance fronting onto Holgate Road. The dining area will be at the rear of the Property on the ground floor with a small bar area for diners to enjoy a drink both before and after their meal. The outside dining area is on a paved courtyard which will be separated from the carpark by planters. The boundary between 106 and 104 Holgate Road is formed by a wall above which stand trees and bushes and the boundary between 108 and 110 Holgate Road is a fence, the height of which the Applicant has agreed with the adjoining owners to increase to enhance their privacy.
9. Low level background recorded music is planned to be played in the dining area and the outside dining area, albeit it is proposed that outside service and the playing of

recorded music will cease at 22:00 hrs. The outside area will not be used, other than for smoking, after 22.00 hrs.

10. Essentially the Applicant is seeking:-

10.1. The ability to supply alcohol to non-residents between 08:00 hrs and 24:00 hrs daily with a restriction that the service of alcohol to non-residents between 08:00 hrs and 10:00 hrs should only be as an ancillary to taking a table meal;

10.2. It is not intended that the licensing hours for the sale of alcohol should restrict the sale of alcohol at any time to a resident at the Property or a bona fide guest of the resident being supplied with alcohol at that resident's expense.

10.3. The provision of late-night refreshment (within the Property and not in the external area) between 23:00 hrs and 24:00 hrs daily.

10.4. The ability to supply alcohol for consumption on or off the premises between 08:00 hrs and 24:00 hrs daily save that there will be no restriction for the supply of alcohol to residents for consumption off the premises.

10.5. Although, as is set out in Annex 2 to the Agenda Bundle no licence is required for recorded music between 08.00 hrs and 23.00 hrs the Applicant intends to play recorded low level background music between 08:00 hrs and 23:00 hrs daily save that there will be a restriction on the playing of recorded music in the outside dining area to 08:00 hrs to 22:00 hrs daily.

11. The application submitted by the Applicant dated 27 March 2023 contains in addition applications for various other activities such as the provision of plays, films, boxing or wrestling, live music and performances of dance, none of which the Applicant wishes to have on its licence. Those applications are abandoned.

12. The Applicant's position is that what it is seeking is no different in essence to what is allowed for premises which already carry-on business in the area and little different to what was carried on at the Property before, other than the provision of alcohol and late night refreshment. The Applicant has a Designated Premises Supervisor who holds a personal licence, and the sole director of the business also holds a personal licence.
13. The investment in the purchase of the Property and its redecoration are such that the Applicant has a significant interest in the venture succeeding and will do all in its power to operate the business properly and to exist as harmoniously as it can with those who live and work in the surrounding area.

Representations/Objections.

14. Some 25 sets of representations have been sent to the Licensing Authority. Several, (those at numbers 10, 11, 12, 13, 14 and 15 in Annex 5) are in virtually identical format and would appear to have been drafted by the same person and similarly those at 23 and 24 in Annex 5 are in a similar format and appear to have been produced in conjunction with each other.
15. A whole host of issues are raised such as,
 - 15.1. The area has a quiet residential character;
 - 15.2. The Applicant might buy up more properties in the neighbourhood in the future;
 - 15.3. Parking, traffic and damage to cars;
 - 15.4. Unfair competition with other venues;
 - 15.5. Off sales will encourage disorder and crime;

- 15.6. Oversight of properties, people looking through windows, peace of mind;
 - 15.7. Music will disturb the neighbourhood;
 - 15.8. Prevalence of drunken racegoers;
 - 15.9. Protection of children – there is a school/nursery nearby;
 - 15.10. The wrong sort of people, “interlopers” might be attracted to the area;
 - 15.11. Some local residents have nervous dogs;
 - 15.12. Planning issues.
16. The majority of those issues raised are, the Applicant submits, entirely irrelevant to the application for a Premises Licence. The drunkenness of racegoers appears to be a major concern of those making representations. There were 18 days of racing in 2023 and the service to racegoers is the responsibility of those operating the racecourse and its bars and not the Applicant.
17. Factors identified by the representors may be said of any of the licensed premises in the area yet those have been granted Premises Licences and some in much wider terms than those sought by this Applicant.
18. Various procedural objections are taken to the application including the form of advertisement notice, the form of application and the plan. This is particularly true of the representations dated 16 May 2023 to be found in Annex 5. The Report to the Licensing Sub-Committee shows at paragraph 18 (page 30 of the Agenda Bundle) that all procedural requirements of the application have been complied with.

19. It is noteworthy that there are no representations by Responsible Authorities (see paragraph 19 of the Report to the Sub-Committee (page 30)).
20. The Applicant submits that the vast majority of the representations made are irrelevant and fall outside the scope of objections to the licensing application.
21. Furthermore the Applicant says that the conditions set out in the Operating Schedule to the application which are summarised at paragraphs 10 to 15 of the Report to the Sub-Committee coupled with the mandatory conditions set out at Annex 7 of the Agenda Bundle meet the objections which have been made.

Summary

22. The Applicant is not aiming to cause nuisance or annoyance to those in neighbouring properties. It has invested a substantial amount in the Property from which it intends to operate an upmarket boutique hotel with 12 bedrooms and offering dining facilities to residents and members of the public.
23. The sale of alcohol to non-residents would be limited between 08.00 and 10.00 hours to those taking table meals with the alcohol as an ancillary to such a meal.
24. Although off-sales are sought as part of the application, it is anticipated that such off-sales will be limited essentially to residents seeking to buy craft beers and sustainable wines which they had enjoyed at the Property and wish to take away with them or in some instances, for residents to take alcohol away from the premises as part of a picnic lunch. The Property will not be competing for 'passing trade' with the nearby off licence at the corner of Watson Street and Holgate Road or 'The Volunteer Arms' on Watson Street.

25. The outside area will be of limited operation during the summer months and is screened from the adjacent properties on one side by trees and bushes and a wall and on the other side by a fence which can be increased in height if the neighbouring owner so wishes. The dining area will be screened from the carpark by planters and the Holmewood Hotel annex also forms a screen to the rear of the Property.
26. The Applicant is prepared to make it clear to residents that the back gate opening onto Watson Terrace will be closed at 22.00 hrs at the same time as outside service ceases. Residents and guests will thereby be forced to use the front entrance to the Property after that time. The Applicant will, if thought desirable, allow parking in the car park by residents only after 20.00 hrs.
27. The Applicant will seek the co-operation of the local authority in improving parking enforcement on Holgate Road and also whether a taxi rank on Holgate Road would be feasible.
28. It is submitted on behalf of the Applicant that the sub-committee should grant the application as made and reject the representations which have been made.

Dated this 7th day of June 2023


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