

**Sefton, Helen**

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**From:**  
**Sent:** 16 April 2023 07:10  
**To:** licensing@york.gov.uk  
**Subject:** Revised licensing application for the Holgate Bridge Hotel

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Helen

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Sefton

As residents of the St Paul's area and specifically of St Paul's Square, we wish to object to this licensing application. This is a quiet residential area and we are concerned that the granting of an alcohol licence on the terms applied for could seriously detract from its present quiet character.

It is believed that the applicant may be considering acquiring adjacent properties in the Holgate Road. If this is the case and such properties are also to be covered by the provisions of this licensing application, the impact of the proposal would be greatly exacerbated to the detriment of the quiet residential character of the Square.

Whilst appreciating that the grounds of objection to a licensing application are limited to four specific grounds, we consider that to proceed with a licensing application before obtaining planning and listed building consents for physical alterations or extensions to the Holgate Bridge Hotel is 'putting the cart before the horse'. Should this licensing application be granted, this could unduly influence and prejudice the outcomes of subsequent applications under planning and listed building legislation. My knowledge of the Town and Country Planning Act and the Use Classes Order is slightly rusty, but it may be that the conversion of a simple guesthouse to a boutique hotel would constitute such an intensification of use that an application for change of use might be required.

Whilst realising the traffic and parking are not specific licensing considerations (hence our feeling that this application is premature), road safety is public safety and any increase in traffic to and from Watson Terrace would make exiting from Watson Street to Holgate Road even more hazardous than it is already. Similarly, it would be difficult under the new digital parking system for residents to assist the enforcement of parking restrictions by identifying 'interlopers' without the right to park in the R.60 Respark area. The presence of the St Paul's Nursery and Primary Schools in the area is likely to exacerbate congestion at times when parents drop off and pick up their children.

The St Paul's area is already served by three public houses, viz. The Volunteer Arms in Watson Street, The Fox Inn at the Holgate junction and The Crystal Palace on Holgate Road. We accept that a 'boutique hotel' should be able to serve alcohol to residents and diners but, to ensure fair competition, feel that the Holgate Bridge Hotel should adhere to the same closing time as the nearby public houses and cease serving alcohol at 11.00 pm.

We see no justification for allowing off-sales, whether or not in sealed containers. This has the potential to give rise to littering, crime and disorder, and lead to a public nuisance in a quiet residential area. It could also be damaging to the interests of children in the area if noise emanating from the premises interfered with their sleep and educational potential.

For these reasons we urge that this licensing application be refused in the terms proposed.

Yours sincerely

,

St Paul's Square

Sent from my iPad

Dear Helen

I would like to raise the following objections to the licensing application for Holgate Bridge Ltd

Noise, disturbance, and pollution from the premises would destroy.

- My enjoyment of my rear courtyard and communal garden
- My and my guest's privacy as it is possible to see directly into my rear bedroom and main bathroom from customers entering and leaving the rear of Holgate Bridge.
- My peace of mind, as the making of a complaint is highly distressing and does not instantly resolve situations or cause an end to disturbances.

Having even 6 people and up to 50+ people (events) in the garden of the premises would have a huge impact in terms of noise.

- this would affect me as I work from home.
- the use of the rear bedroom and indeed all rooms to the rear of my property would be compromised due to the increased noise from the intended beer garden. This would cause me stress.

The premises are in a conservation area and the noise of even a few people in the unenclosed garden of the premises is bound to carry as there is no provision for any form of barrier to sound.

- I am very concerned about any playing of music by the premises or by diners/drinkers on their phones, or the taking of phone calls which is invariably more intrusive than conversation. See above we

#### **(Public Safety)**

- the applicant has applied for activities that he apparently did not intend to pursue, so it is not clear what he plans to do.
- I am concerned about the hotel appealing to race goers, arriving back from the races in the inebriated and dishevelled state that we are accustomed to seeing around York (ditto protection of children from harm, bad language, inappropriate behaviour)
- I am concerned about users of the premises attempting to access our communal garden and causing distress and damage.

#### **(Crime)**

- I am concerned about users of the premises attempting to access our property, cars and communal garden and causing distress and damage.
- I am concerned about the increased comings and goings to the premises attracting other members of the public into the area with the intent to cause damage and commit crime.

- I am concerned about the risk of damage to my car by customers driving around the Square in an effort to find their way out of the area by car

(Name added from email).

**Sefton, Helen**

**From:** . . . . .  
**Sent:** 14 May 2023 01:01  
**To:** licensing@york.gov.uk  
**Subject:** Alcohol licensing application for the Holgate Bridge Hotel  
**Attachments:** A picture containing outdoor, building, text, window Description automatically generated.jpeg

**Categories:** Helen

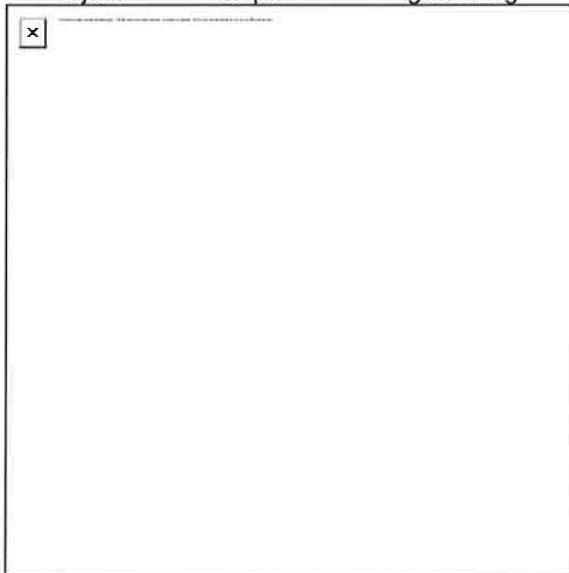
This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**Alcohol licensing application for the Holgate Bridge Hotel**

Dear Ms Sefton,

We wish to object to the alcohol licensing application for the Holgate Bridge Hotel on the grounds of:

- (1) Prevention of Public Nuisance - The opening of a nearby restaurant and bar from 8am to midnight to everybody - combined with drinking, open air events, smoking, litter and traffic - will compromise our ability to continue to work effectively from home during the week and will almost certainly keep us awake at night.
- (2) Protection of Children from Harm - The opening of a nearby restaurant and bar from 8am to midnight to everybody - combined with drinking, smoking, litter and traffic - will risk endangering young children and their parents picking up and dropping off at the St Paul's Primary School entrance adjacent to the carpark of the Holgate Bridge Hotel (see below photograph).



*Photo not downloaded as incompatible.*

- (3) Prevention of Crime and Disorder -The applicant seems to have had 3 separate alcohol licensing applications, all with differing details and closing dates for comment. We are quite confused of their intent and sceptical of their ability to follow basic instructions, leaving us with little confidence that they can be trusted to comply with strict licensing conditions to mitigate against crime and disorder in our quiet residential neighbourhood.

We strongly suggest that any sale of alcohol from the Holgate Bridge Hotel: (i) be for hotel residents only; (ii) be consumed indoors only; and (iii) that all off-sales be prohibited.

Yours sincerely

St Paul's Square



**Sefton, Helen**

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**From:** Helen Sefton  
**Sent:** 15 May 2023 16:38  
**To:** licensing@york.gov.uk  
**Subject:** Licensing application for Holgate Bridge Hotel, 106-108 Holgate Road, YO24 4BD

**Categories:** Helen

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Following the submission of a revised application for the grant of a new premises licence submitted on 28/03/2023, I am writing to oppose the granting of a licence for alcohol sales as set out in the application.

I object to the requested 'full 24 hour provision to guests', the 'sales of alcohol to (presumably non-resident) members of the public between 08:00-24:00', and the provision of 'Late Light (Night?) Refreshment between 23:00 and 05:00'.

I have no objection to the provision of alcohol to residents of the Hotel and their visitors within the building between the hours of 17.00 and 22.00. I would have no objection to sales of alcohol such as 'bucks fizz' only and traditionally with food between 8:00 and 10:00.

I object to the off-sales / supply of alcohol at any time to members of the public who are not staying at the hotel.

I live within 100 metres of the rear of the Hotel, and 200 metres from the front of the Hotel in what is a very quiet residential area. There is one public house in the immediate area - the Volunteer Arms in Watson Street, which provides a popular and quiet licensed premises used by the local community and visitors. Its emphasis on a range of real ale and interesting beers would be likely to appeal to residents of the Hotel, and thus increase the use of the local long established business of the Volunteer Arms. Other local public houses such as The Fox and the Crystal Palace, both in Holgate Road, provide alternative sources of alcoholic and non-alcoholic drinks. All three public houses mentioned keep to regular pub opening hours.

The entry and exit to the back garden of the Holgate Bridge Hotel is onto Watson Terrace. That same side of Watson Terrace includes a small number of houses / flats, with most of that side of Watson Terrace being quiet open spaces - mainly the ends of the gardens of houses and hotels in Holgate Road.

Most of the other side of Watson Terrace is made up of St Paul's Square and its Gardens, with houses in St Paul's Square surrounding the other 3 sides of the Square Gardens. The St Paul's Square Owning Committee and Residents' Association have agreed guidelines for the use of the Square Gardens, which include the City of York Council's 'Recommendations for parties to prevent a nuisance'. These guidelines are intended to ensure that the Square Gardens are used by residents in a way that does not disturb the quiet residential area in which the Gardens are situated.

In addition, there are 2 schools whose entrances are within 100 metres of the back entrance to the open space at the rear of the Hotel. Parents bring, deliver, and collect their children at the schools from early morning until early evening, which already causes some traffic problems. Some children make their own way without adults to and from St Pauls Primary School, whose main entrance is opposite the entrance to the Hotel's car park and open area at the rear of the Hotel. So there are possible worrying road and other safety concerns for children relating to the parts of the application to which I have objected.

I have noted from the publicity given to the redevelopment of the Holgate Bridge Hotel and the information included in the Licence Application that the intention is that the Hotel is to provide "a 12 room hotel aiming for the

exclusive design led boutique hotel market" "attracting a discreet clientele" which seeks "to service only hotel guests and the local community".

I consider that the residents in the local community and the discreet clientele who will be attracted to the Hotel would find the areas of the licence to which I have objected will not increase their enjoyment of the design led boutique Hotel in which they are staying. The noise, possible lack of security, and effects of potentially noisy and boisterous activity are likely to affect the Hotel residents as well as the local community.

St Paul's Square  
York  
YO24 4BD



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City of York, Licensing Services  
Hazel Court Eco Depot  
James Street York YO10 3DS  
[licensing@york.gov.uk](mailto:licensing@york.gov.uk)

15 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

I wish to object to The Holgate Bridge application for an alcohol licence for sale of alcohol both to residents and members of the public. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live on Watson Street at the junction with Watson Terrace and opposite the Dock, an enclosed grassed area between Watson Street, the train tracks and St Pauls Church with Holgate Road behind. Our area of St Pauls is a community of a number of purely residential streets and cul de sacs, a primary school and nursery, accessed by only 2 roads in and out.

This is a quiet and very neighbourly area it has been my home for years. The busiest times of day are weekday mornings and mid afternoons when children, mostly on foot, arrive at and leave the St Pauls Primary School via the pupils entrance on Watson Terrace. Many of them live here in the surrounding streets. During the day the area is still and quiet except for the sound of children playing in the school at breaktimes and passing trains, which are part of our daily routine as a community. There is no noise from any commercial premises.

St Pauls is tucked away behind Holgate Road. The train tracks and bridge, the tall St Pauls Church and the tall townhouses along Holgate Road create a noise barrier and keep out the noise and bustle of Holgate Road. But equally, and most troubling is any noise within the said area is also magnified by the same noise barriers, so groups of young people and adults which could be 3 to 6 people can sound more like 20. Holgate is incredibly quiet, especially evenings and Sundays the stillness and silence are astonishing and that is the beauty of living here. This proposed licensed premises coming into the area would be extremely disruptive and it will certainly destroy our sense of community, peace and quiet.

The planned area, at the back of Holgate Bridge, to entertain their guests, backs onto Cecilia Place which all our bedrooms and small gardens back onto, we will be subjected to the noise of their drinking and celebrations both during the day, late into the night and early morning, 5 a.m. is unacceptable.

I am concerned about extra cars and taxis, passing or stopping outside my house during the day and at night and in the early hours of the morning, affecting my health and my sleep, and my feeling of security in my own home.

Having more people from outside the community staying at and visiting the Holgate Bridge enticed by the generous and long licensing hours will increase traffic problems and be a risk to road safety and pedestrian safety including the children going to St Paul's school and nursery, the entrance is opposite the Holgate Bridge.

We have our own local community pub on Watson Street, The Volunteer Arms, I strongly feel that any visitors to the area should be welcomed into the existing licensed premises. It is a warm hub run by an experienced Landlady who serves the entire community, locals and visitors. The Volunteer's licenced hours are acceptable and more than adequate for everyone to enjoy a good night out. I also do not think it is right for our Pub to have to

compete from a new business model with 24 hour licencing hours, especially the proposed licenced property so close to an established business.

Although I have read the notices for the proposed licences which are posted on the Holgate Bridge gate, the residents haven't had any official notification of the proposed changes to the Hotel or its intention to change its business model. York Council have not informed us either of any proposed licence changes and they must be aware of how these proposed licencing hours will impact the local residents around Holgate Bridge.

Serving alcohol to their residential clients is acceptable and expected for a hotel and that is how the business has traded successfully over the years, but when I heard that they planned to open to the public too and to apply for drinking and dining outside I was shocked that their application could even be considered. If it is allowed it will be truly disastrous for the community that live here and our safety from greater levels of crime, disorder, noise disruption and road safety.

This has been badly thought through and the new owner doesn't seem to understand or respect our residential Holgate community. The application is purely for attracting large numbers of clientele and the making of excessive profit with little regard for the residents or the quiet, seclusion and attractiveness of our home which is Holgate.

Watson Street, YO24 4BH

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**Sefton, Helen**

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**From:** [REDACTED]  
**Sent:** 16 May 2023 11:41  
**To:** [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
**Subject:** LICENSING APPLICATION FOR HOLGATE BRIDGE HOTEL

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I wish to register my objection to a license for the above hotel to sell alcohol both to residents and members of the public, and to it being granted for 24 hours a day.

I am a resident of Railway Terrace where I have lived for many years. Like others in this residential area, we like it for its peace and quiet with no noise from commercial premises or any other source. Railway Terrace is often used as a short cut to town via the footbridge and we are used to people passing by, but my concern is that with the possibility of more alcohol drinking and maybe for 24 hours at the above premises, there could be increased drunken behaviour from passers by, possibly including noisy racegoers, and for longer periods of time. I am concerned too about increased traffic and the need for parking in the area.

The hotel has so far withheld any information regarding their plans, but from what we hear it is astonishing that such an application may even be considered in a quiet residential area. I urge you to refuse this application.

[REDACTED], Railway Terrace, York.



**Sefton, Helen**

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**From:** Cllr. K. Taylor  
**Sent:** 16 May 2023 12:45  
**To:** licensing@york.gov.uk  
**Cc:** Cllr. L. Steels-Walshaw  
**Subject:** Objection to license application - Holgate Bridge Hotel

Good afternoon.

I wish to object to Holgate Bridge Limited's current license application for Holgate Bridge Hotel, 106-108 Holgate Road, York, YO24 4BB.

**Public Safety**

I am very concerned about the prospect of what will effectively become a day (and night) time bar with an access point opening up almost exactly opposite a busy entrance to St Pauls Primary School. The applied for hours to sell alcohol to members of the public comfortably over-lap the morning drop-off time and the afternoon pick-up time. This could be problematic on particularly busy days (e.g. race days, stag/hen parties) in what is a tight area with high passing footfall, cycling, and vehicular movements by parents and/with children. I appreciate this is a worst case scenario but I do not think it is a particularly unlikely one, especially with such little information on how such scenarios will be managed. I note that the applicant had stated in a note to local residents that there will be *"strict policies in place to protect to our local residents from potential disruption"* but there is no detail on this to put weight on it.

**Public Nuisance**

Similar to above, but more likely than safety concerns, is the prospect of nuisance caused by those guests and members of the public enjoying the extremely generous serving hours to an extent that nuisance is caused. This is a quiet residential / conservation area, already with a well-managed pub immediately nearby to cater for those wanting to drink, and the applicant is located next to social housing for particularly vulnerable residents. Again, in a note to local residents to applicant says they have, or will have, a *"strict policy around noise in our garden"* but there is no detail on this to make a credible assessment.

**Protection of Children from Harm**

I am very uncomfortable with the prospect of drunk guests / members of the public leaving the premises immediately onto one of the entry/exit points to St Pauls Primary School. On any day this could be an issue but it is surely likely to be an issue at busier times, which do not exclusively fall on Saturdays and Sundays.

I would need to see more detail, and more meaningful conditions/mitigations instructed beyond the paltry ones in place so far, to be assured that this application will not have a disproportionately negative impact on the local community. If such an outcome is not feasible then this application should be refused. As things stand, it appears that we are looking at what was once a discrete B&B with limited, if any, negative impact on the local community becoming an open bar in all but name, with few controls on it.

In closing - while this is a distant second to the material considerations of the application - I am aware of the Applicant claiming in the aforementioned note (to residents) that they withdrew their previous application having reviewed previously submitted objections. As I understand it, this application was only withdrawn following instruction by Licensing Services after the process for displaying notices was not followed correctly. There is distinct gap between these two reasons. It might also be a mix of both of them. Clarity from Licensing Services would be appreciated here because, as it appears, the framing of this claim in the resident-facing note is not helpful in terms of - meaningful - community relations going forward.

Thank you for your consideration of this objection. Please can you confirm receipt of it?

Kallum

**Cllr Kallum Taylor**

**Labour Member for Holgate Ward - City of York Council**

**07931 557 982**

**We hold three monthly drop-in sessions for Holgate residents every:**

**- First Saturday - 8am-10am - West Bank Park Bowls Pavilion**

**- Second Friday - 11am-1pm - Lindsey Avenue Housing Office with Citizens Advice, North Yorkshire Police, and supporting staff from the Council**

**- Third Saturday - 8am-10am - St Barnabas Church**

*Due to the hours of my day job I will often answer emails early in the morning, late in the evening, and at weekends.*

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16<sup>th</sup> May 2023  
The Senior Licensing Officer  
Licensing Services  
City of York Council, Eco Depot, Hazel Court  
York  
YO10 3DS

Dear Madam,

Objection to Licensing Application by New Holgate Limited

We are writing to object to the granting of a licence to New Holgate Limited at their premises 106-108 Holgate Road, York, YO24 4BB.

The rear and back garden of the premises are located in a quiet residential area comprising privately-owned and social housing, a nursery school and a primary school. It is a Conservation Area and many of the privately owned residences are Listed Grade 2. On Watson Street there is recreation ground named 'Holgate Dock', which is used by St. Paul's School and local residents, and which is separated from Watson Street only by a very low brick wall. There is also a traditional public house. The social housing is located within a pleasant L-shaped building within a cul-de-sac in which children play, while some forty private residences surround a garden square, which may be unique in York for its beauty and tranquillity.

Before stating our specific objections to the granting of the application we should express our concern at the manner in which it has been submitted. The applicant has neither adhered to the required submission protocols nor been consistent about the activities for which he seeks a licence. This has resulted in delays to the application process and caused us, as local residents, distress and a lack confidence in the applicant's intentions and his ability to run a well-managed venue.

Our objections are as follows:

1. Prevention of crime and disorder: the sale of alcohol for extended hours to members of the public is likely to attract people for the purpose of drinking alcohol all day and late at night when public houses are closed. This is likely to bring disorderly behaviour into a quiet residential area with the likelihood of acts of anti-social behaviour and vandalism. We fear it would be harmful to risk bringing the kind of late night disorder now so prevalent in York city centre to a quiet residential area such as ours.
2. Public safety: if alcohol is freely available not only to hotel residents but to members of the public there will be risks to public safety caused by inebriated pedestrians and by the many cars that will enter the residential area with its narrow streets, narrow pavements, and blind corners and entrances.

3. The prevention of public nuisance: in the event of approving the application as submitted, the wide latitude granted to the applicant for the sale of alcohol to the general public over long hours will prevent the applicant from effectively taking responsibility for, or having control over, the behaviour of his customers. This is a matter of grave concern. Another great concern would be the nuisance to neighbours caused by the noise from the hotel's outside diners and drinkers and from any amplified live or recorded music in the hotel garden that is incidental to the dining and drinking activities. Such noise would undoubtedly have a deleterious impact on local residents' use of their own gardens and on their sleep, wellbeing and mental health, including those of the neighbourhood's children. Please note that the topography of the area and the configuration of the buildings will cause noise to reverberate around all dwellings, and not just those in closest proximity to the hotel.
  
4. The protection of children from harm: the entrance to the New Holgate Hotel is directly across Watson Terrace from the alleyway leading to St. Paul's Primary School and from the residential cul-de-sac in which children play. Also nearby is the St. Paul's Nursery. In addition, the Holgate Dock recreation field is nearby. An increase in the number of adult customers seeking to buy alcohol from the hotel's premises will cause the presence of unidentifiable adults frequenting the immediate area where large numbers of children and parents pass and congregate. In addition, the children of local residents frequently pass through the area in pursuit of their normal daily activities. It will be impossible to distinguish *bona fide* hotel customers from any adults that may wish to observe young children with intent to harm. In considering this application for a licence we urge you to place paramount importance on the need to guarantee the safeguarding of children, both those who attend the two schools and those who are locally resident.

If our objections to the granting of a licence are not upheld, we fear that other properties in the row of houses in which the applicant's premises are located will be similarly adapted for the purpose of profit. As a result of this, the peace of this harmonious and historic residential neighbourhood will be destroyed and the safety of children will be jeopardised.

Thank you very much for your consideration.

Yours faithfully,

St. Paul's Square,  
York  
YO24 4BD  
Tel:  
Mob



**Sefton, Helen**

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**From:** [redacted] <[redacted]>  
**Sent:** 16 May 2023 14:58  
**To:** licensing@york.gov.uk  
**Subject:** Representation in respect of the Holgate Bridge Hotel Licensing Application

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Representation in respect of Holgate Bridge Hotel Licensing Application

Made by ( [redacted] Davies ) " [redacted] " St Paul's Square.  
YO24 4BD

Objection made in relation to " The Prevention off Public Nuisance."  
We appreciate the application proposes that the service of alcohol in the garden will cease at 22.00 hours. But to ensure that noise levels are restricted we propose that the garden should be closed to the residents and public by 23.00.

We have no other objections to this licensing application as outlined in the document dated 28/03/2023.

Sent from my iPad





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City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Watson Terrace  
YO24 4BQ

15 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

I object to Holgate Bridge alcohol licence application. I object to the Hotel staying open 24 hours a day, 7 days a week.

I live in the council housing on Watson Terrace, right next to the entrance to the car park and the back entrance to Holgate Bridge. It is really quiet here. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door through the small car park. After drinking alcohol they are likely to be less inhibited and may be looking into my front windows and making more noise and being louder. More people will come to drink alcohol and I will see more people and more traffic and hear their noise and disturbance. There is nothing to stop me seeing customers drinking outside, or being overlooked by them if I walk out of my house along Watson Street towards the bus stop.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations which are likely to be loud and drunken or partying, as though they are in my garden. My conversations in my garden will be overheard. Up till now no customers or staff sit here regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night. After drinking and partying people going home often make more noise and often find it funny and make even more noise if they are trying to be quiet and this will affect my well-being.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately and are intimidating, use bad language and drop litter.

This is a quiet area and its my home and I like it that way. Holgate Bridge hadn't told us anything about what they are doing.

In case I am unable to attend the Hearing I authorise my letter to be read out on my behalf and my neighbour to speak on my behalf to give any further comments I wish to make.



City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)



Cecelia Place  
YO24 4BG

15 May 2023

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Licensing application for Holgate Bridge, objections closing 16 May

I object to Holgate Bridge application for an alcohol licence. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live in Cecelia Place which is really quiet. Only my neighbours walk past the door. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is really close, about 50 metres away on the other side of Watson Terrace. It is directly opposite the entrance to my front door, with only the small car park in between.

The customers will be drinking in the outside space next to the car park. They will be looking directly across Watson Terrace onto my home.

I can see into the outside space and everything that goes on there from my front door and garden.

There is no screen to stop the noise or smell of food, smoking and alcohol or to stop me seeing them or being overlooked by them.

If I open my windows the noise and smells will come straight in, and they may stop me wanting to sit in the back garden.

If my sleep is disturbed by the noise and people and cars and taxis, even in the middle of the night this will affect my well-being and my mental health problems.

People who come from the races will come here for the alcohol and they are often loud, behave inappropriately and can be intimidating, use bad language and drop litter.

If cars and taxis stop or turn around in our Place they may cause disturbance, damage or use my parking space so my mother is unable to park when she visits me or takes me to places. I would find it very difficult or impossible to make a formal complaint about noise or parking.

This is a quiet area and that's why I live here.





City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Watson Terrace  
YO24 4BQ  
15 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

I object to Holgate Bridge alcohol licence application. I object to the selling of alcohol to anyone at any time of day or night. I object to the use of the outside area as a licensed area. I object to the Hotel staying open 24 hours a day, 7 days a week.

I live in the council housing on Watson Terrace, my upstairs apartment is the closest dwelling to the entrance to the car park and the back entrance to Holgate Bridge.

It is really quiet here which is extremely important for me. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door to enter the Holgate Bridge via the car park where they will pass by my windows to get to the outside space and enter the Holgate Bridge. After drinking alcohol they are likely to be less inhibited and making more noise and being louder. More people will come to Holgate Bridge if they know they can drink alcohol and I will see more people and more traffic and hear their noise and disturbance.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations which are likely to be loud and drunken or partying, as though they are in my garden. My conversations will be overheard. Up till now no customers or staff sit there regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night. After drinking and partying people going home often make more noise and often find it funny and make even more noise if they are trying to be quiet and this will affect me very badly. I am attended 3 times a day by care workers. I am not able to manage any disruption of my care. My Watson Terrace neighbours look out for me and they know that this will be an impossible situation for me.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately and are intimidating, use bad language and drop litter. We can't have any people from the races coming round here.

This is a quiet area and its my home and I like it that way. Holgate Bridge hadn't told us anything about what they are doing.

In case I am unable to attend the hearing I wish for my letter to be entered on my behalf and my neighbour to speak on my behalf to give any further comments I wish to make.







City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Watson Terrace  
YO24 4BQ

14 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

I object to Holgate Bridge serving 24 hour alcohol and holding events to get people to stay at the hotel and to visit during the day up to 10pm. I object to them staying open 24 hours a day, 7 days a week.

I live on Watson Terrace, right next to the entrance to the car park and the back entrance to Holgate Bridge. It is really quiet here. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door through the small car park. They will be looking into my front windows. I will see more people and more traffic and hear their noise and disturbance. There is nothing to stop me seeing customers sitting outside, or being overlooked by them if I walk out of my house along Watson Street towards the bus stop.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations as though they are in my garden. My conversations in my garden will be overheard. Up till now no customers or staff sit here regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night and this will my well-being.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately, use bad language and drop litter.

This is a quiet area and its my home and I like it that way. Holgate Bridge hadn't told us anything about what they are doing.

Watson Terrace  
York



City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)



Watson Terrace  
YO24 4BQ

14 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

I object to Holgate Bridge serving 24 hour alcohol and holding events to get people to stay at the hotel and to visit during the day up to 10pm. I object to them staying open 24 hours a day, 7 days a week.

I live on Watson Terrace, next to the entrance to the car park and the back entrance to Holgate Bridge. It is quiet here. Most of the people who walk along Watson Terrace are people from around here, and they know me.

The outside space at the back of Holgate Bridge is the other side of our garden wall.

The customers will be drinking in the outside space next to the car park. They will walk or drive straight past the entrance to my front door through the small car park. They will be looking into my front windows. I will see more people and more traffic and hear their noise and disturbance. There is nothing to stop me seeing customers sitting outside, or being overlooked by them every time I walk out of my house along Watson Street walking my dog.

There is no screen to stop the noise or smell of food, smoking and alcohol coming over the wall. If I open my windows the noise and smells will come straight in.

I will hear their conversations as though they are in my garden. My conversations in my garden will be overheard. Up till now no customers or staff sit here regularly or even at all.

At night my sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night and this will affect my well-being.

The disturbance will upset my dog and this will affect my sleep. People staying and visiting to drink, bringing their dogs will cause a disturbance letting them out near me and this will upset my dog and it might be attacked.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately, use bad language and drop litter.

This is a quiet area and its my home and I like it. Holgate Bridge hadn't told us anything about what they are doing. This would be impossible for me.

*[Handwritten signature]*

1.  $\frac{1}{x^2} = x^{-2}$   
2.  $\frac{1}{x^3} = x^{-3}$   
3.  $\frac{1}{x^4} = x^{-4}$

4.  $\frac{1}{x^5} = x^{-5}$   
5.  $\frac{1}{x^6} = x^{-6}$   
6.  $\frac{1}{x^7} = x^{-7}$

### Exercises 1.1.1: Differentiating $x^n$ for $n \in \mathbb{Z}$

1. Use the power rule to differentiate  $x^2$ ,  $x^3$ ,  $x^4$ ,  $x^5$ ,  $x^6$ ,  $x^7$ ,  $x^8$ ,  $x^9$ ,  $x^{10}$ ,  $x^{11}$ ,  $x^{12}$ ,  $x^{13}$ ,  $x^{14}$ ,  $x^{15}$ ,  $x^{16}$ ,  $x^{17}$ ,  $x^{18}$ ,  $x^{19}$ ,  $x^{20}$ .

2. Use the power rule to differentiate  $x^{-1}$ ,  $x^{-2}$ ,  $x^{-3}$ ,  $x^{-4}$ ,  $x^{-5}$ ,  $x^{-6}$ ,  $x^{-7}$ ,  $x^{-8}$ ,  $x^{-9}$ ,  $x^{-10}$ ,  $x^{-11}$ ,  $x^{-12}$ ,  $x^{-13}$ ,  $x^{-14}$ ,  $x^{-15}$ ,  $x^{-16}$ ,  $x^{-17}$ ,  $x^{-18}$ ,  $x^{-19}$ ,  $x^{-20}$ .

### Exercises 1.1.2: Differentiating $x^n$ for $n \in \mathbb{R}$

1. Use the power rule to differentiate  $x^{1/2}$ ,  $x^{1/3}$ ,  $x^{1/4}$ ,  $x^{1/5}$ ,  $x^{1/6}$ ,  $x^{1/7}$ ,  $x^{1/8}$ ,  $x^{1/9}$ ,  $x^{1/10}$ ,  $x^{1/11}$ ,  $x^{1/12}$ ,  $x^{1/13}$ ,  $x^{1/14}$ ,  $x^{1/15}$ ,  $x^{1/16}$ ,  $x^{1/17}$ ,  $x^{1/18}$ ,  $x^{1/19}$ ,  $x^{1/20}$ .

2. Use the power rule to differentiate  $x^{-1/2}$ ,  $x^{-1/3}$ ,  $x^{-1/4}$ ,  $x^{-1/5}$ ,  $x^{-1/6}$ ,  $x^{-1/7}$ ,  $x^{-1/8}$ ,  $x^{-1/9}$ ,  $x^{-1/10}$ ,  $x^{-1/11}$ ,  $x^{-1/12}$ ,  $x^{-1/13}$ ,  $x^{-1/14}$ ,  $x^{-1/15}$ ,  $x^{-1/16}$ ,  $x^{-1/17}$ ,  $x^{-1/18}$ ,  $x^{-1/19}$ ,  $x^{-1/20}$ .

3. Use the power rule to differentiate  $x^{2.5}$ ,  $x^{3.5}$ ,  $x^{4.5}$ ,  $x^{5.5}$ ,  $x^{6.5}$ ,  $x^{7.5}$ ,  $x^{8.5}$ ,  $x^{9.5}$ ,  $x^{10.5}$ ,  $x^{11.5}$ ,  $x^{12.5}$ ,  $x^{13.5}$ ,  $x^{14.5}$ ,  $x^{15.5}$ ,  $x^{16.5}$ ,  $x^{17.5}$ ,  $x^{18.5}$ ,  $x^{19.5}$ ,  $x^{20.5}$ .

4. Use the power rule to differentiate  $x^{-2.5}$ ,  $x^{-3.5}$ ,  $x^{-4.5}$ ,  $x^{-5.5}$ ,  $x^{-6.5}$ ,  $x^{-7.5}$ ,  $x^{-8.5}$ ,  $x^{-9.5}$ ,  $x^{-10.5}$ ,  $x^{-11.5}$ ,  $x^{-12.5}$ ,  $x^{-13.5}$ ,  $x^{-14.5}$ ,  $x^{-15.5}$ ,  $x^{-16.5}$ ,  $x^{-17.5}$ ,  $x^{-18.5}$ ,  $x^{-19.5}$ ,  $x^{-20.5}$ .

5. Use the power rule to differentiate  $x^{1/2}$ ,  $x^{1/3}$ ,  $x^{1/4}$ ,  $x^{1/5}$ ,  $x^{1/6}$ ,  $x^{1/7}$ ,  $x^{1/8}$ ,  $x^{1/9}$ ,  $x^{1/10}$ ,  $x^{1/11}$ ,  $x^{1/12}$ ,  $x^{1/13}$ ,  $x^{1/14}$ ,  $x^{1/15}$ ,  $x^{1/16}$ ,  $x^{1/17}$ ,  $x^{1/18}$ ,  $x^{1/19}$ ,  $x^{1/20}$ .

6. Use the power rule to differentiate  $x^{-1/2}$ ,  $x^{-1/3}$ ,  $x^{-1/4}$ ,  $x^{-1/5}$ ,  $x^{-1/6}$ ,  $x^{-1/7}$ ,  $x^{-1/8}$ ,  $x^{-1/9}$ ,  $x^{-1/10}$ ,  $x^{-1/11}$ ,  $x^{-1/12}$ ,  $x^{-1/13}$ ,  $x^{-1/14}$ ,  $x^{-1/15}$ ,  $x^{-1/16}$ ,  $x^{-1/17}$ ,  $x^{-1/18}$ ,  $x^{-1/19}$ ,  $x^{-1/20}$ .

7. Use the power rule to differentiate  $x^{2.5}$ ,  $x^{3.5}$ ,  $x^{4.5}$ ,  $x^{5.5}$ ,  $x^{6.5}$ ,  $x^{7.5}$ ,  $x^{8.5}$ ,  $x^{9.5}$ ,  $x^{10.5}$ ,  $x^{11.5}$ ,  $x^{12.5}$ ,  $x^{13.5}$ ,  $x^{14.5}$ ,  $x^{15.5}$ ,  $x^{16.5}$ ,  $x^{17.5}$ ,  $x^{18.5}$ ,  $x^{19.5}$ ,  $x^{20.5}$ .

8.  $x^{20.5}$

$$\frac{d}{dx} x^n = n x^{n-1}$$

15

City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)



Cecelia Place  
YO24 4BG  
16 May 2023

Licensing application for Holgate Bridge, objections closing 16 May

I object to Holgate Bridge application for an alcohol licence. I object to customers drinking outside at any time, it will be completely awful even if there's only a few of them and there's no way they can even sit out there in groups, let alone be allowed to start drinking out there from 8am to 10pm. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live in Cecelia Place which is really quiet. Only my neighbours walk past the door. Most of the people who walk along Watson Terrace are people from around here, and they don't trouble me.

The outside space at the back of Holgate Bridge is really close, about 50 metres away on the other side of Watson Terrace. It is directly opposite the entrance to my front door, with only the small car park in between.

The customers will be drinking in the outside space next to the car park. They will be looking directly across Watson Terrace onto my home.

I can see into the outside space and everything that goes on there from my front door and garden.

There is no screen to stop the noise or smell of food, smoking and alcohol or to stop me seeing them or being overlooked by them.

If I open my windows the noise and smells will come straight in, and it will stop me wanting to sit in the front garden right opposite them as they go in and out.

If my sleep is disturbed by the noise and people and cars and taxis, even in the middle of the night this will affect my well-being and my health problems. I have care workers visiting 4 times a day and the noise, where at the moment there is nothing, will be awful.

People who come from the races are the worst, and they will come here for the alcohol and they are loud, and on top of that even when they leave the races they are often offensive and intimidating, use bad language and drop litter, so they should not be able to drink even more alcohol and be even louder right here. It's no good saying we can complain, that doesn't help us while they are here, we just have to put up with it, and that's not right. If cars and taxis pick up or turn around in our Place they cause even more disturbance. I would find it very difficult or impossible to make a formal complaint about noise.

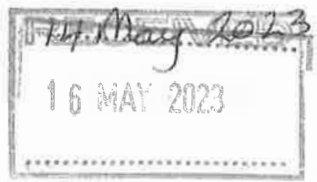
This is a quiet area and that's why I live here. Why has the council not told us about this? They usually tell us if there is work gong on around here so we can manage it and know when it will finish.

*[Handwritten scribbles]*



St Pauls Sq  
YORK YO24 4BD

City of York, Licensing Services  
Mayal Court Eco Depot  
James Street YO10 3DS  
email licensing@york.gov.uk



Licensing application for Holgate Bridge, objections close  
16<sup>th</sup> May 2023

I object to Holgate Bridge application for a 24 hour alcohol licence for residents to promote the hotel and for daytime and evening up to 10pm alcohol licence for members of the public including holding licensed events. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

I live on the narrow one way road into St Pauls Square. It is quiet, there is very little traffic. I regularly walk a dog around the Square.

The outside space at the back of Holgate Bridge is enclosed by the same high buildings that run along Holgate Road past my house, so any outside noise in the gardens, particularly along the back of Holgate Road houses carries and is loud and clear and troubles me.

People entering Watson Terrace and St Pauls Square walk or drive straight past the entrance to my





house. I see the same people passing by or driving in. If the Horgate Bridge opens up as a licensed premises for members of the public many more people, who I have never seen before will pass within inches of my garden. There will be more people, more noise disturbance and more traffic.

By licensing the premises to attract evening drinking customs there will be noise, people, cars and taxis, even in the middle of the night passing by my house.

people who attend the races come here. They are loud, behave inappropriately, use bad language and drop litter. I have been verbally abused by groups of people outside my house from the Asta Hostel, completely unprovoked. The only reason being because I'm elderly, live alone and a bit of an unsteady.

This is a quiet area and it is my home. Horgate Bridge hadn't told us anything about what they are doing. Even when they wrote a circular letter to residents of St. Pauls Square after they received objections, they did not deliver a copy to me. I read the letter and its empty intentions and do not trust the owner.



City of York Council  
Licensing Services  
Hazel Court Eco Depot,  
James Street  
YO10 3DS

By email only [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

16 May 2023

To whom it may concern

**Applicant: Holgate Bridge Limited**  
**Premises Address: Holgate Bridge Hotel, 106-108 Holgate Road, York, YO24 4BB**

I am writing concerning the above licensing application which I wish to object to.

I have the following objections to the application.

The property frontage and entrance sits on Holgate Road. However, the car park and garden sit to the rear of the property with an exit on to Watson Terrace. A few meters across the road from the site of the Watson Terrace entrance/exit is the entrance and exit to St Paul's C of E Primary School. That school has approximately 189 children on the school roll.

As well as being dropped off in the mornings around 8.45 to 9am, children are collected from 3pm to 4.15pm. Throughout the day the children will routinely walk along Watson Street to the land known as 'the Dock' which the school uses as its outdoor space for PE. Children will also routinely walk to and from St Paul's Church and onto Holgate Road when going to or leaving school. St Paul's Nursery School is also in close proximity in St Paul's terrace. The primary school uses the Nursery premises for wrap around care from 7.30am and ending at 6pm.

The present application shows wholesale disregard for the protection of those children from harm. There is nothing in the application concerning any specific measures relating to the school children and their safety in and around the area.

The proposal places a significant number of drinkers around the clock, not only within earshot and sight of a significant number of children, but within direct conflict as they enter and exit the school and navigate their way home. Children in Years 5 and 6 (10 and 11 year olds) walk home from school on their own unaccompanied.

Their quiet enjoyment of the Dock is also threatened during school games or after school where it is often used by families and for school events including sports and fund raising. Alcohol misuse on the Dock and littering has already been a problem from time to time and poses a significant safeguarding risk to the children and other users both in terms of conflict, noise disturbance, and littering. Many of the pupils live here in the surrounding streets.

Licensing to members of the public in the size and scope requested will attract members of the public who see drinking as a significant part of their reason for visiting the premises.

Racegoers will be a key target market as they already are for other guest properties and hotels in the area. We are concerned about the introduction of increased number of clientele who will cause problems associated with the races including the use of bad language, inappropriate behaviour, loitering, intimidating, trespassing and causing damage to property, littering and vomiting on the pavement or simply partying including inappropriate or antisocial behaviour.

This application is also being made at a time when the Kilma Hotel on Holgate road is already undergoing works to significantly increase its capacity and 128 Holgate Road is being converted from office use to holiday accommodation.

I am also very concerned about road safety and traffic around Watson Terrace where children presently scooter and cycle on the road in quiet and relatively low traffic area which this application threatens.

The parking in the area is already problematic with dangerous parking already a problem, the application risks exacerbating this with customers leaving the area from all directions by vehicle and will be a risk to safety.

We are also concerned about increasing **crime and disorder**. There are break-ins to properties and vehicles from time to time which can be expected to increase and to encroach on the school grounds and the Dock with increasing comings and goings into the area.

This application is ill thought out and entirely inappropriate for the area. It will necessarily increase conflict within the area and should I believe be rejected for all the above reasons and grounds of

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Yours sincerely

St Swithins Walk  
Holgate  
York  
YO26 4UG

**Representation by Paul's Square, YORK YO24 4BD**  
**(16 May 2023; email**

We wish to make a representation concerning the  
Application for the granting of a new premises licence  
(by Holgate Bridge Limited) for the Holgate Bridge Hotel; 106-108, Holgate Road.

**OUR REPRESENTATION**

Our representation is connected to the objective: "The prevention of public nuisance."

We object very strongly to the use of the outside area as a socialising and dining area. (The applicaon states that space is available for 36 diners or drinkers outside.) *We strongly oppose any use of the outside area for these purposes.*

This outside area

- (i) is extremely close to flats with elderly residents and
- (ii) is close to St Paul's Square Garden and the surrounding houses.

House numbers 1, 2, 3, 4, and 5 St Paul's Square are very close to this outside area.

Any use of the outside area as an entertainment / socialising/ dining area could obviously give rise to a serious public nuisance to the occupiaers of the flats and to residents of St Paul's Square. Noise levels would increase because of (1) the number of customers arriving and departing in order to drink or dine in the area, and (2) because of dinner table conversations outdoors. Any outside added music entertainment (recorded or live) would significantly add to this and would impact the whole community. This would affect people working from home, schoolchildren studying, and people wanting to sleep.

**Traffic issues**

The roads near the site are narrow with many yellow lines. Visibilities at junctions are already now reduced by parking vehicles. Customers looking for parking spaces will create extra congestion in an area which is already congested and difficult to negotiate. Taxi drivers dropping off and picking up will add to these hazards. Safety for pedestrians and cyclists would deteriorate.

**Impact on St Paul's Square**

St Paul's Square has been a place of peace and tranquillity for many years; having dining / entertainment areas in the gardens at the back of the houses along the Holgate Road would have a negative effect on that peace and tranquillity.

Allowing this application would encourage further houses along the Holgate Road to also provide outside social / eating / drinking areas. Thus this application would if approved be very likely to prove to be the thin end of a large wedge seriously affecting the amenity of St Paul's Square Garden and the surrounding houses.

**APPENDIX: THE LISENSING APPLICATION**

Applicant: Holgate Bridge Limited

Premises Address: Holgate Bridge Hotel, 106-108 Holgate Road, York, YO24 4BB

Summary: Application for the grant of a new premises licence: We request an on-premises licence for a new 12 room hotel aiming for the exclusive design led boutique hotel market. The hotel is a design led concept attracting a discrete clientele. We have 12 bedrooms - likely to accommodate a maximum of 22 guests. In addition we have a 18 cover dining room, 12 cover basement bar and 36 cover garden space. In reality we seek to service only hotel guests and the local community.

1. We propose that the full 24 hour provision of alcohol is to guests and bona-fide guests only.
2. We propose that sales of alcohol to members of the public be limited to 08:00 - 24:00. The sale of alcohol to members of the public, between 08:00 – 10:00 hours, daily, will be ancillary to food.
3. All off sales of alcohol shall be in sealed containers.
4. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area, as per the premises plan, onto the pavement or highway.
5. We propose to cease service of alcohol in the garden at 22:00 daily.

Provision of Late Light Refreshment Monday to Sunday (on the premise and only to hotel guests) 23:00 – 05:00

14 Supply of Alcohol (on and off the premise) Monday to Sunday 00:00 – 24:00 (guests only) 08:00 – 24:00 (members of the public).

Opening Times:

Monday to Sunday 00:00 – 24:00 (guests only) 08:00 – 24:00 (members of the public)

End of representations now 16 May 2023

15 May 2023

City of York, Licensing Services  
Hazel Court Eco Depot  
James Street York YO10 3DS  
[licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

I object to Holgate Bridge application for an alcohol licence both for sale of alcohol to residents and to members of the public. I object to Holgate Bridge welcoming dogs of hotel residents without any limitation on breed or size of dog, in combination with the sale of alcohol to their owners. I object to Holgate Bridge staying open 24 hours a day, 7 days a week.

This is a quiet and very neighbourly area, It has been home for 5 years. During the day the area is still and quiet except for the sound of children playing in the school at breaktimes and passing trains, which are part of our daily routine as a community. There is no noise from any commercial premises.

I live on St Pauls Terrace, which is one of the two streets leading to the footbridge from St Pauls to the centre of York. The biggest issue is that disturbance of people crossing into the area or leaving by the footbridge, some of them being disorderly.

Our area, St Pauls, is tucked away behind Holgate Road. The train tracks and bridge, the tall St Pauls Church and the tall townhouses along Holgate Road create a noise barrier and keep out the noise and bustle of Holgate Road. So it is incredibly quiet, especially evenings and Sundays the stillness and silence are astonishing.

What troubles us is that any noise within the area is also magnified by the same noise barriers, so any disruptive groups of people which can be 3 to 6 people sound more like 20.

If a licensed premises were to come into the area this would be impossible for us. The extra people arriving by foot and car, blocking up the streets and the junction into Watson Terrace, using R60C visitors parking permits and taking up the very limited residents parking provision, and the noise and disruption of people drinking in the outside space at the back of the Holgate Bridge would be magnified and sound like 10 times the actual number of people. People who come from the races will come here for the alcohol and they are loud, behave inappropriately, their language is often highly offensive and they leave litter. More people will walk into and out of the area by the footbridge and more of them will be coming from the Hotel after drinking. This makes them more disorderly, less inhibited and they make more noise.

I walk my dog around the area daily. She is not a confident dog and the quiet reassures her. It would trouble us both to encounter on a daily basis new strangers and their dogs coming into the area and being walked by owners who are able to consume alcohol 24 hours at the premises.

Having more people from outside the community staying at and visiting the Holgate Bridge and drinking will increase traffic, noise and disorder problems and be a risk to road safety and pedestrian safety. It is completely inappropriate to attract people from outside the area and will destroy our sense of community.

Holgate Bridge hadn't told us anything about what they will really be doing. Serving alcohol to their existing custom would be bad enough as it will attract different custom, but opening to the public too and for drinking outside we are shocked that their application could even be considered. If it is allowed it will set a precedent which could be disastrous for the

community that live here and our safety from greater levels of crime, disorder, noise disruption and road safety. This has been really badly thought through and the new owner seems to have no clue about the community living here and to be motivated to profit from the quiet, seclusion and attractiveness of our home.

St Pauls Terrace,  
Holgate,  
YO24 4BJ



**Sefton, Helen**

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**From:**  
**Sent:** 16 May 2023 20:07  
**To:** licensing@york.gov.uk  
**Cc:**  
**Subject:** Re: Holgate Bridge Licence Application 106-108 Holgate Road YO24 4BB  
**Attachments:** Representations - updated 2022 Guidance.pdf  
  
**Categories:** Helen

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Helen

We are writing to you in respect of the application dated 03/03/23 in respect of Holgate Bridge 106-108 Holgate Road.

We have premises at Holgate Road ) and Holgate Road . (Address for correspondence Holgate Road)

Please note that we have no fundamental objection to the property above obtaining a premises licence.

We do however have concerns about the extent of the licensing hours proposed. We have concerns about the public nuisance issue as a result of the availability of alcohol for 24 hours to guests and on/off sales to the general public from 8.00 to 24.00.

Extending alcohol sales to the general public will attract late night drinkers ( after the local pub has closed) and increased footfall at unsociable hours to a residential and conservation area. Additional traffic, loitering and late night taxis will all contribute to the disruption. Drinking all day until Midnight and beyond leads to anti social behaviour, swearing, shouting and often aggression, ultimately resulting in crime and disorder issues. In central areas there is often a police presence, as a residential area we do not have this security and protection.

The property should ensure that the car park/ outside area curfew is enforced. If utilised as a beer garden this would particularly on summer evenings create significant noise pollution and nuisance, leading to potentially antisocial behaviour and disruption to this residential area beyond its curfew.

We hope that you consider our comments.

On Tuesday, 16 May 2023, 08:30:45 BST, licensing@york.gov.uk <licensing@york.gov.uk> wrote:



City of York, Licensing Services  
Hazel Court Eco Depot  
James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Cecelia Place  
YO24 4BG

14 May 2023

Licensing application for Holgate Bridge, objections closing 16 May

We object to Holgate Bridge serving 24 hour alcohol and holding events to get people to stay there and to visit during the day up to 10pm. We object to it staying open 24 hours a day, 7 days a week. They can't do this.

Me and my family live in Cecelia Place which is really quiet. Only my neighbours walk past our door. Most of the people who walk along Watson Terrace are people from around here and from our school, and they don't trouble us.

The outside space at the back of Holgate Bridge is really close, about 50 metres away on the other side of Watson Terrace. It is directly opposite the entrance to my front door. There is nothing between us except the small car park.

The customers will be drinking in the outside space next to the car park. They will be looking directly across Watson Terrace onto my home. Me and my child will have to walk past them for school.

I can see into the outside space and everything that goes on there from my front door and garden.

There is no screen to stop the noise or smell of food, smoking and alcohol or to stop me seeing them or being overlooked by them.

If I open my windows the noise and smells will come straight in.

We sit in the back garden with friends and neighbours a lot, to get outside, and we enjoy being outside with my child. This will be destroyed by the noise and disturbance from outside space.

At night our sleep will be disturbed by the noise and people and cars and taxis, even in the middle of the night and this will affect my child's schooling and my well-being.

The disturbance will upset our dog and this will affect our sleep and could cause us trouble. People staying and visiting to drink, bringing their dogs will cause a disturbance letting them out near us and this will upset our dog and they might fight.

We sometimes talk with neighbours in front of our house and our conversations will be overheard.

People who come from the races will come here for the alcohol and they are loud, behave inappropriately, use bad language and drop litter.

If cars and taxis stop or turn around in our Place they may cause disturbance, damage or use our parking spaces. Its no use and just upsetting to complain about noise or parking.

This is a quiet area and its our home and we like it that way. Holgate Bridge hadn't told us anything about what they are doing and they can't do that.



**Sefton, Helen**

---

**From:**  
**Sent:** 16 May 2023 23:31  
**To:** licensing@york.gov.uk  
**Subject:** Objection to Application for Holgate Bridge, YO244BB  
  
**Categories:** Helen

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing Team,

Please find my objections to the above application for a new premises licence and sale of alcohol, made as a resident at St. Paul's Square, YO24 4BD.

The application is in effect an application of a change in use, though not presented this way, from a small B and B, to an 8 am to midnight off licence and outdoor bar. It is in a quiet, residential conservation area, which already has The Volunteer Arms serving the local community and guests of the Holgate Bridge, a corner shop, and no additional need for sale of alcohol.

My objections are on the following grounds:

Prevention of Public Nuisance and crime and disorder 1. Noise. The designated drinking area is out of doors. This will cause significant noise disturbance above the ambient level which, especially after school hours, is extremely quiet. It is hard to see what control could be placed on this to prevent noise disturbance unless the dining and drinking area is restricted indoors only, and sufficient sound proofing measures taken. I ask your Environmental Health team to give evidence about expected noise levels from outdoor dining and drinking. The nature of the houses causes an amphitheatre effect such that noise echoes further than might otherwise be the case.

2. Behaviour, particularly on race days. This is a residential neighbourhood with private gardens, and isn't suited to attracting people who want to buy and drink alcohol off premises from 8 am to midnight. The sale of alcohol for off site drinking doesn't sit easily with the suggestion that this is a boutique hotel, catering only for guests, and raises doubts as to other statements made by the applicant. No off site alcohol sales should be allowed, and onsite alcohol sales should be restricted to indoor dining over lunch and in the evening until 9pm, to prevent increased late night noise disturbance or rowdy behaviour from guests leaving.

3. The site opens directly onto the entrance to St. Paul's primary school and close to St. Paul's nursery, which already suffers from congestion at school opening and closing times. It is a narrow road, with no parking spaces, and an increase in vehicles entering and leaving the rear of Holgate Bridge will cause nuisance. The front of the hotel in Holgate Road is restricted by double yellow lines. If a condition can be made that all traffic and entrance and exits to the hotel will be by the front only, this might assuage the problem, but given the road markings this is difficult to envisage.

Protection of children from harm and public safety

4. Increase in vehicles around the school and nursery also involves potential harm to children. There is inevitable, frequent 'spilling' of children onto the road all along

Watson Terrace before and after school and frequently during the day at the various drop off and collection times at the Nursery.

5. The potential for drunken /rowdy behaviour, particularly on race days, but year round if outdoor dining and all day drinking is allowed, is unsuitable at such close proximity to 2 schools for children from the ages of 3-11.

Thank you for your consideration.

Kind regards



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City of York, Licensing Services  
Hazel Court Eco Depot, James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

St Pauls Square  
YO24 4BD  
16 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

We object to the Holgate Bridge application for an alcohol licence. We object to any hours of licensing to hotel residents, bona fide guests and to members of the public.

We object to Holgate Bridge staying open 24 hours a day. We object to any opening hours after 9pm.

We are concerned that licensing of any duration will cause a **public nuisance and present a risk of harm to children** by changing the profile of residents staying at Holgate Bridge to that previously.

Licensing to members of the public will attract members of the public who, unlike those who visit the premises currently, see drinking as a significant part of their reason for visiting the premises. In our experience those who are not motivated to drink will not choose to stay at a Hotel or visit a café which offers alcohol, so as to avoid being troubled by others intending to make their entertainment in the premises during the day and evening and night or who are likely to overindulge in alcohol.

We are concerned about the introduction of a clientele who will cause problems including use of bad language, inappropriate behaviour, loitering, trespassing and damage to property, littering and vomiting and urinating in public places or simply partying including excessive noise levels.

The profile of clientele of the B&B up to know have come for overnight accommodation whilst working locally as long term or short term contractors, or whilst visiting York or family and friends in the area. Other than breakfast, the day would be spent away from the premises, returning to sleep, without causing any disturbance or intrusion in the neighbourhood. This valued clientele will be driven away if the premises is licensed, as well as by the doubled cost of the rooms, which has put the accommodation out of the reach of many.

The applicant suggests that the premises aims to attract local residents, however at £20 for breakfast and £150 a head for a room, this is unrealistic for the majority of local residents and visiting friends and family. Realistically the applicant is aiming for the lucrative group entertainment market including private and corporate parties and race goers\*. Having more money at their disposal or being on corporate expenses increases the likelihood of this profile of clientele spending more on alcohol.

\* There has been no restrictions or curfews offered on this access or stay/hen do's and the like.  
The outside space at the back of the premises is enclosed within an area of high buildings that run along Holgate Road and surround St Pauls Square and Watson Terrace. This shields noise from Holgate Road. Because of this and of the purely residential nature of the area, it is intensely and uniquely quiet and secluded. During evenings and weekends, outside school hours, often the only sound is that of birds in the gardens.

The high buildings also amplify noise within this enclosed area. Noise and drug-smoking problems have been reported on numerous occasions associated with residents of Astor Hostel. Groups of 3 to 6 people can sound like 40. This is particularly the case closer to the back of the Holgate Road premises. Any outside licensed activities will entail noise and smells of cooking which carries and intrudes in our homes and gardens and affects our children studying for GCSEs and A-levels and enjoying healthy time in the garden. We are concerned that if the hotel sells alcohol to residents and members of the public it will increase this public nuisance through noise and antisocial behaviour.

By licensing the premises to attract evening drinking custom there will be noise and people and cars and taxis, even in the middle of the night, passing by our house at night and in the early hours of the

The applicant has not indicated whether he intends to have a bar outside, however, the application as it stands would allow this and there would be a risk that this would increase the ability to increase the flow of alcohol and therefore the amount of noise generated.

morning. If our sleep is disturbed this will affect our health and our childrens' studies. We will feel less secure in our home knowing that strangers are coming into the area while we are asleep.

Licensing to members of the public will dramatically increase the traffic into Watson Terrace and St Pauls Square. From 22 guests in a 24 hour period, the premises may attract 48 members of the public over different times of the day and evening, potentially 150 or more in a 24 hour period, and more when "hosting events in the outside space" as advertised on the website.

We are concerned about our **road safety**. Either entrance into Watson Terrace is restricted. Either entrance has a blind corner with very narrow pavement. The entrance into the premises car park is restricted, blind and crosses the main pedestrian thoroughfare pavement in a largely pedestrian area, and along which our children walk to school. The premises is grade 2 including the high walled entrance into the car park. The car park is so confined that cars will likely have to reverse to exit the car park. The parking is totally inadequate and will lead to increased traffic around the area by customers of the premises trying to park, and this will be a public nuisance, with dangerous parking, taking our parking spaces and causing us to park further afield and will be a risk to safety.

We are concerned about **public safety**. The applicant for the licence has proved himself to be a hazard to public safety and to the possession of a licence, showing a disregard for or inability to understand or follow procedures and terms. He has failed to engage with us and make his intentions known or listen to our concerns. He concealed his application by failing to post a notice on the Watson Terrace perimeter of the premises, and by failing to advertise in the Press, and by obscuring what is being applied for with inconsistent wording and applying for activities which were not contemplated. In reply to objections to the first application, he circulated a letter to residents of St Pauls Square (omitting those most affected and closest to the premises), which is misleading and is full of false assurances. He has failed to understand or to follow the licensing application procedure, including posting a notice (on 2 occasions) before submitting his application, and with incorrect date and proposed activities, and has reinstated activities previously deleted in response to local resident objections, without indicating any condition which would justify such reinstatement. His designated premises supervisor qualified in January, coming from a background in hotel cleaning services. He and his staff have shown disregard for the wishes of the residents, and assumed that we welcome a radical change in use. He has failed to follow the procedures of applying for change of use, planning consent and listed building consent.

The misleading premises plan is further concern for public safety, a childrens' play area marked as a licensed area communicates directly with a whiskey bar area. Bedrooms and en-suites marked as licensed areas will need installation of CCTV according to Police terms ("all areas where alcohol will be consumed").

We are concerned about increasing **crime and disorder** including parking problems. A number of properties in the Square have CCTV to monitor night time activity and break ins, vehicle crime, other damage and problems with dogs. There are break-ins to properties and vehicles from time to time which can be expected to increase with increasing comings and goings into the area.

People entering and walking around St Pauls Square pass directly in front of our ground floor windows, and past the entrance to our house and garden. Licensing will cause many more people from outside the area to pass our windows and front door at any time of day and night.

This application is ill conceived, impractical given the inadequate size of the premises and the parking provision and ~~totally~~ incompatible and inconsistent with the neighbourhood and community.

Signed:

Name:

*As the application stands there are insufficient conditions to control noise from the licensable activities within the quiet back yard of the premises in a highly residential and supremely quiet setting*



Please see attached my representation and attachments.

There is some duplication in this which I propose to strike through in a revised letter if that is helpful. I reserve the right to instruct legal representation, and am awaiting confirmation of availability.

I request that the Environmental Health Officer and Police be present at the Hearing to hear the evidence against the application. I a, shocked that the Police and EHO have dropped conditions and not rejected the application outright.

I note that paragraph 9.38 of the guidance states that "overall interests of the community are a relevant consideration while commercial interests are not."

St Pauls Square



St Pauls Square  
York YO24 4BD

By email to [licensing@york.gov.uk](mailto:licensing@york.gov.uk),  
by post or hand to City of York Council Licensing Services  
Hazel Court Eco Depot  
James Street, York YO10 3DS

16 May 2023

Representation against Licensing application by Holgate Bridge LTD, 106-108 Holgate Road, YO24 4BB

I refer to all documents and objections entered by all parties in the earlier applications filed on 3 Feb 23 and 27 March 23 and request that these are entered in the proceedings for this application, in particular the photographs entered in my objection to the earlier application, which remain valid and are instructive in all objections made in this application, and the conditions agreed with the police and Environmental Health Officer in the earlier application.

The circumstances of this application are strikingly similar to the licence application for St Georges Hotel, which was rejected in full. I request rejection in full of this application for reasons given in St George's Hotel (Public Nuisance, Protection of Children from Harm) and primarily on the grounds of Public Safety in view of the multiple breaches and abuses of procedure, inconsistencies and errors in the application and misrepresentation and concealment of facts and complete lack of engagement by the applicant. I attach a copy of the minutes of the St George's Hotel hearing marked up with relevant precedent which I request be considered in this application.

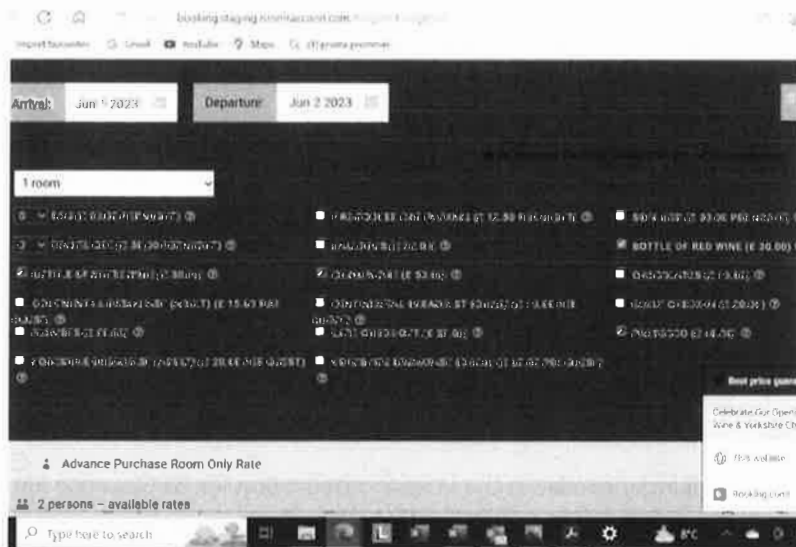
#### **Public Safety and Public Nuisance**

In essence this application relates to a change in operation of the premises which could not possibly be more radical and have more wide-reaching implications throughout the neighbourhood of St Pauls, a secluded and supremely quiet residential area of Holgate.

The applicant has not engaged with those most directly affected, myself and my neighbours. It was only by chance that I came across the initial 3 Feb 2023 application, a week before the date for closing representations, as the applicant failed to post a notice on the rear perimeter of the premises. In the absence of any information on the proposed operation, I was able to find out from PR announcements that that the premises is a 2M investment, for which the applicant envisages creating a "Heart of Holgate" (see Linked In post).

The business plan is based on opening up a new market, our home, and maximising the footfall to and expense of this modest terraced double townhouse B&B premises - in the applicant's own words "there is nothing like this, on this side of York" – this despite the lack of any internal lounge areas or communal areas of any consequence.

To contemplate creating a luxury boutique hotel hosting events and attracting custom from across York and beyond in the secluded residential area of St Pauls onto which the limited car parking and limited outdoor space opens at the back of the premises is ill thought-out and entirely inappropriate for the area.



The premises have been priced out of the reach of the established custom and local residents (£15/£20 breakfast, £30 – 50 bottles of wine, prosecco, champagne – see the website booking options here.

The applicant has admitted by circular letter (prompted by a need to address local resistance to the proposed operation, and addressed only to the most substantial properties in the neighbourhood, neglecting those closest to the premises) (attached)) the “potential for disruption” and references “strict policies in place to protect our local residents from potential disruption”,

however has not supplied anything resembling a strict policy, despite being promised to me by the Operations Manager – I request that all such “strict policies” be made available in good time for consideration before the Hearing. In the absence of any meaningful policies I request rejection of the application in full. This to include the referenced “strict policy” around “noise in our garden, which will be carefully monitored on a daily basis”.

The applicant’s reassurances about noise are unsubstantiated and not accompanied by any noise testing, as to the number of people that might cause a disturbance and how far that might carry.

I request that this licence application be refused until the potential for disturbance and public nuisance by any unlicensed use has been assessed.

In the absence of any way of assessing the controls operated on the unlicensed operation I decided to make an online booking, which was straight forward. Surprisingly and to my concern, this shed some light on the proposed licensed operation. I attach an email confirmation of a Double Suite booking for 1 June, including sofa bed in the small room in addition to the 2-person occupation. I was surprised to be able to pre-order alcohol. Alcohol seems to be central to the offering and the business strategy, along with maximising room occupancy, dogs and luxury items which I expect taps into a market of devotees of these luxury items.

### Public nuisance

The Committee will be aware from various representations of the unusual character of St Pauls, which is like an amphitheatre, with barriers to external sound from all sides (railway land on 3 sides, and tall townhouses lining Holgate Road) which amplify sound within the area. This amplification is even more noticeable because of the prevailing silence as a combination of the setting and residential nature.

There is a history of public noise nuisance from Astor Hostels, which has received so many warnings that any use of the garden by residents is infrequent ( 4 or 5 times a year) and strictly monitored, even this provoking complaints.

Any notion that unlimited use of the Holgate Bridge garden 7 days a week from 8am to 10pm will not cause public nuisance beyond anything until now in the area and provoke instant distress and outrage is absurd in the extreme. The applicant will not be living here, and if he were, the noise disturbance caused by his customers would be a reminder of the profits coming into the enterprise, which might make for a pleasant experience.

The most persistent noise nuisance which was so regular and predictable that I could not unnotice, and became hypersensitised to, was the innocuous use of the outside space to the front of the of Holmwood House Annex, directly opposite our Watson Terrace facing windows, for a few hours every weekday evening last summer by the nicest contractors from Wales on a long-term contract in York. Stuck in a

town, they brought chairs to the front steps and sat sipping a very few beers and talking for hours interspersed every other sentence by a loud and distinctive laugh which penetrated through everything I did and every thought. Finally I could bear it no more and went to speak to them, finding that this was their final week I gritted my teeth and said nothing and my world began again when they left. This sort of noise would be drowned out by other sounds in most neighbourhoods but against the sound of little more than birdsong here, it is deafening.

The thought of a constant background of voices raised in alcohol-fuelled entertainment from morning to past going to sleep daily is just wrong. Throughout the area, the residents have without need for any discussion chosen to not play music outside with very occasional exception, and to ensure that any work being carried out on properties is done without the playing of music. To then have members of the public from outside the area be given carte blanche to drink and party and play music and be entertained literally on our doorsteps, any time of day up to 10pm, to eventually return to their own homes probably in areas rightfully free of the sort of noise disturbance that they have been subjecting us to, is totally unreasonable. This against the backdrop of recent reports such as Lewisham Council threatening to force entry to a musician's home to confiscate her instruments and fine her after receiving complaints about her practising loudly during the day. This highlights the impossible situation that residents can find themselves in when subject to even well-intentioned noise disturbance during the day.

Conditions such as "closing the garden" at 10pm are meaningless, unlicensed noise disturbance during the day for those of us working from home (I am self-employed) and studying at home (my daughter is sitting GCSEs and will be studying for A levels for the next 2 years) is equally devastating, and licensed noise disturbance even worse as there is a concern about speaking to those responsible who may react aggressively, fuelled by alcohol. The alternative to make a formal complaint does nothing to alleviate a sleepless night or tormented day. In these days when everyone's attention is being focussed on the need to be considerate for the mental health of those around us and aware of the damaging effects of neglecting our own mental health, for an authority to even contemplate allowing an application like this, and to put us through the desperate worry that we have suffered during the last 2 months in trying to defend our home, is beyond irresponsible. I am shocked at the Environmental Health Officer's decision to drop restrictions on risk to serious ill-health, in particular the worsening of the ill-health of my neighbours in the Cecelia Place and Watson Terrace Council housing, who are the kindest and gentlest people, doing their best to get by in a world which challenges them daily.

moved into Cecelia Place a month ago and is so happy to be here and he and his mother who visits every day to help him, can't believe his good fortune from Watson Terrace and from Cecelia Place are wary and ready to defend themselves at every knock at the door, checking first from the window before warily opening up, and yet their concerns are for us and I'm humbled by the enormous gratitude they expressed at being told of the application and helped to express their objections to the application – can't read, how was he to know about this? No one has thought to bring this to their attention. from Watson Terrace struggles to communicate and yet his concern is looking out for his neighbour .

The idea of constantly new arrivals of strangers coming day and night to enjoy luxury boutique indulgence and entertainment in full sight and on the doorsteps of these people who want nothing but to be left in peace is obscene and tantamount to undermining everything they have worked for to piece their lives together.

I request an explanation of the double standards of the applicant who, after writing in his letter in March: "we have thoroughly reviewed all objections and fully appreciate the concerns you have regarding the type of services we have applied for and the potential for disruption to our local residents. Due to this we have withdrawn our current application and have reapplied for the licence under new conditions... [which] we hope will be well received by our local residents"

in truth having been required by the Police to drop services included in the 3 Feb 2023 application without any intention to host events for 500+ people (a ridiculous notion, 500+ people would fill half the neighbourhood!) and more realistically to also drop services to members of the public, and the application refiled with no change in services, contrary to this statement, but because of a procedural breach (failure to properly give notice of the application);

to then in April having again had to refile his application (a further procedural breach, failure to give notice in the press), the very next day (19<sup>th</sup> April) have renegotiated with the Environmental Health Officer to reinstate those terms (services to members of the public) which the applicant claimed had been withdrawn out of concern for local residents.

I urge the Committee to recognise the double standards the applicant has demonstrated throughout this drawn-out application process, the letter being not even a pretence at any engagement but rather a publicity exercise to defuse opposition to the application.

I can see no advantage to myself or to the area of the change of use to a premises for hospitality for members of the public and introduction of licensing.

I request that this licence be rejected outright in the absence of overwhelming evidence of a positive contribution that would benefit the community and outweigh the overwhelming negative implications on the lives of so many people. I attach an email received today from a new acquaintance from St Pauls Terrace saying "marvellous to meet you too- I'm so thankful we did, otherwise I would have been completely unaware regarding filing an objection before tonight's deadline. I've just sent the document". The lack of information on the notice and lack of engagement by the applicant has required me to spend the last few months bringing the application to the attention of as residents with every opportunity, invariably starting with a mild interest and after appreciating the nature of the proposed activities, becoming utter shock and horror (the Council tenants) through indignation and anger and concern for those of us who will be most affected.

Sound tests have not been conducted, there is no parking strategy, the plans and details of the operation are constantly changing with the applicants

Any positive contribution can only be seen as moving an existing benefit away from another operation, there will be no net positive benefit, and the nuisance value will add yet another area to the trouble areas which require heightened policing during race days and party season, rather than confining within existing areas which are already policed for the safety of the surrounding communities.

To quote the St George's Hotel application: "this application was ill-prepared and lacking in detail, such that [the Committee can] not have confidence that the Licensing Objectives will be upheld."

The following are defects in the application and I request its outright rejection:

1. This application is inadmissible as the proposed licensable activities are inconsistent and it is not clear what is being applied for, as illustrated in the Table, resulting in widespread confusion to residents of St Pauls:

	<b>Applicant's Notice posted on wall of premises (2<sup>nd</sup> and 3<sup>rd</sup> applications)</b>	<b>Applicant's announcement placed in York Press (3<sup>rd</sup> application)</b>	<b>York Council Licensing application Register (2<sup>nd</sup> and 3<sup>rd</sup> applications)</b>	<b>Public Protection and Police agreed terms (1<sup>st</sup> application)</b>
<b>Applicant</b>	New Holgate Limited	Nicholas Bradley of New Holgate Limited	Holgate Bridge Limited	
<b>Premises</b>	106-108 Holgate Road	106-108 Holgate Bridge Hotel, Holgate Road	Holgate Bridge Hotel 106-108 Holgate Road	Holgate Bridge Hotel
<b>Sale / Supply of alcohol to residents and bona fide guests (Mon – Sun)</b>	Sale by retail of alcohol 24 hours	Sale by retail of alcohol 24 hours	Supply of alcohol 00:00 – 24:00 (on and off the premises)	Sale of alcohol 08:00 – 24:00
<b>Sale / Supply of alcohol to members of public (Mon–Sun)</b>	Sale by retail of alcohol 08:00 – 24:00	Sale by retail of alcohol 08:00 – 24:00	Supply of alcohol 08:00 – 24:00 (on and off the premises)	
<b>Late night refreshment (Mon – Sun)</b>	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00 (on the premise and only to hotel residents)	23:00 – 24:00
<b>Opening hours Mon – Sun (Hotel residents)</b>			00:00 – 24:00	08:00 – 24:00
<b>Opening hours Mon – Sun (Members of the Public)</b>			08:00 – 24:00	

The Licensing Register reflects the information contained in the application form. The applicants Notice and Press Advert omit relevant information (off-sales, opening hours, correct premises address). The confusing premises address further conceals the problematic double-aspect of the premises, with the main vehicle entrance and the full outdoor activity to the St Pauls aspect at the rear of the premises.

It has been difficult if not impossible to understand what is being applied for. The application should be readvertised with the correct information including opening hours and off sales, or off-sales should be deleted from the application.

2. No reason has been given for removal of terms agreed with the Police and Environmental Health Officer, Mr Golightly, in the 2 March filed application, specifically:

- Opening times were agreed to be restricted to 0800 – 2400
- Sale of alcohol was agreed to be restricted to hotel residents only
- The premises were agreed to operate predominantly as a Hotel / Guest House (i.e. not as a restaurant for members of the public)

Have requirements for CCTV monitoring, and other controls, been lifted? I am shocked that not only sale of alcohol but also off-sales to members of the public has been reinstated.

No conditions have been offered which suggest that the Mr Golightly's original concerns have been addressed. For example, the applicant has said that a customer may wish to buy a bottle of a particular wine to take home. In this case I request that the applicant first apply for a change of use to operate as an off-licence before applying for off sales.

In reference to the St Georges Hotel case, which Mr Golightly attended and stated that he has greater concerns after hearing the evidence during the hearing, I request that the Environmental Health Officer be present at the Hearing and hear the full evidence of those opposing the application. As yet he has heard only the evidence of the applicant, and has accepted the applicants position, even excusing his breaches of procedure as understandable oversights, and that is simply not equitable

3. I request that the application is rejected for failure to set out the proposed licensable activities in full:

- the opening hours are not stated in the applicants notices;
- off sales are not specified in the applicant's notices and members of the public reading the notices would not realise that off sales are included as this is not an off licence.

4. This application is invalid because the licensing plan is so misleading or replete with errors that it does not constitute a meaningful plan and therefore the application fails for failure to file a licensing plan because

- the licensable areas as shown in the licensing plan contravene the assessment criteria of protection of children from harm and of public safety
- and because the applicant has included no alcohol monitoring controls, for the protection of public safety of the neighbourhood

for the following reasons:

- a) the plan indicates that the Play room/kids zone is a licensed area – this contravenes the Licensing Objective of protection of children from harm, it would be possible for a child to have access to alcohol for example if an adult's glass should be unsupervised
- b) the plan indicates that all bedrooms and en-suites are licensed areas – this contravenes the terms agreed with the Police, and to my knowledge not withdrawn, that CCTV should "be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises, it will include all areas where the public have access to consume alcohol" – CCTV recording cannot be conducted while residents are in bedrooms and en-suites.
- c) the plan fails to indicate the location of a single CCTV monitor or of a monitoring station – the applicant has not entered seriously into the planning of safety procedures to meet the Licensing Objectives and for the operation of an alcohol licence, and the licence cannot be granted without approval of the CCTV monitoring plan

I request that the application should be rejected for failure to file a licensing plan.

5. This application is invalid/should be rejected in so far as it relates to sales /supply of alcohol in the outside customer area because:

- pursuant to Revised Guidance issued under section 182 of the Licensing Act 2003 (Dec 2022)\* Beer Gardens or other outdoor spaces 8.35: "where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply."
- and the Licensing Plan fails to indicate a bar located in the outside area therefore sales in the outside customer area must be considered to be off-sales and the Licensing Plan amended pursuant to 8.36 to remove the outdoor customer area from the area covered by the premises licence.

We request the amendment of the Licensing Plan accordingly to remove the outside customer area from the area covered by the premises licence.



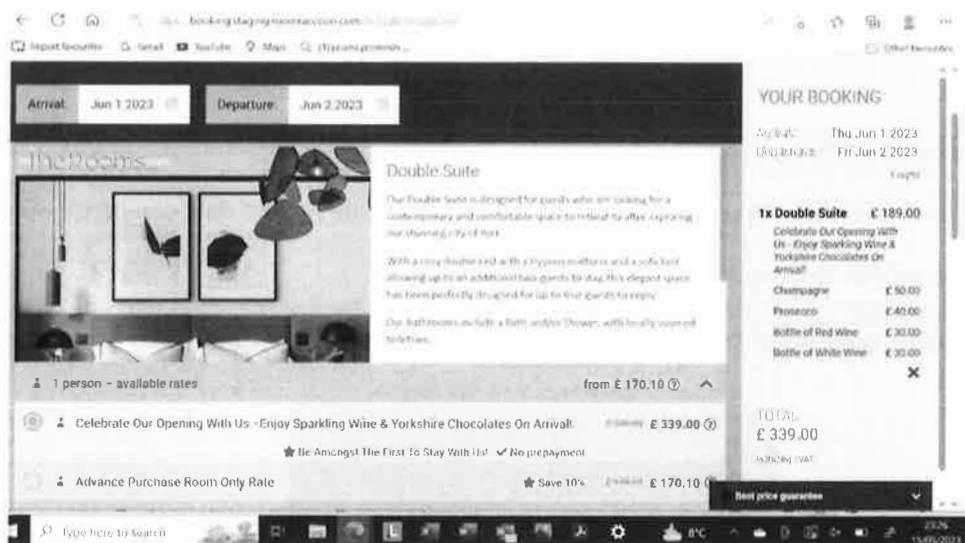
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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1149896/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_December\\_2022\\_002\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1149896/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022_002_.pdf)

6. The applicant has breached licensing law by offering sale or supply of alcohol before the granting of an alcohol licence:

- the applicant's website offers "guests ....who book between 1 June and 31 July can enjoy wine on us"
- sales of alcohol are live with bookings made on the website
- the licensing application as on York Council licensing register is for the premises Holgate Bridge Hotel, 106 – 108 Holgate Road, no application has been submitted for the premises New Holgate





7. The applicant has breached licensing laws entering into a contract to supply alcohol before the granting of an alcohol licence and taking an order for sale of alcohol before the granting of an alcohol licence:

- See above and the attached booking confirmation email (CODE CELEBRATE10) for a Double Suite on New Holgate website on 1 June 2023 qualifying for complementary wine (“guests ...who book direct ... between 1 June and 31 July can enjoy wine on us”) and including the payment of £150 for a bottle of white wine, a bottle of red wine, champagne and prosecco

8. The application is invalid, as advertised on York Council Licencing Register because it specifies the Licensable Activity of “Supply of alcohol” however this activity relates to the supply of alcohol in a members club, and New Holgate is not a members club, the application as advertised on York Council Licencing register fails to specify the licensable activity of “Sale of alcohol”. Therefore the application carries no valid rights.

9. The application is invalid in relation to sale of alcohol to bona fide guests of residents and to members of the public: it includes a change of use from B&B serving up to 22 guests to Hotel additionally serving bona fide guests of residents and up to 48 members of the public for which there has been no application made and approved for change of use. Therefore any sale of alcohol to members of the public cannot be authorised and the proposed licensable activities cannot be reliably assessed.

I request that the application is withdrawn in respect of sale of alcohol to any non-residents, bona fide guests are also considered to be non-residents.

10. The application is invalid in relation to sale of alcohol in certain licensable areas as illustrated in the Licensing Plan: it relates to proposed licensable activities for which no planning application has been made and no public consultation has been offered:

- Change of ground floor guest bedroom to Mon – Sun 24 hour licensed dining and late night refreshment room
- Change of basement store room to whisky bar
- Change of outside occasional seating area for B&B residents to outside licensed restaurant/dining area and event space for 36 members of the public, operating Mon-Sun 0800 to 2200.
- Change of all three areas (ground floor guest bedroom, basement store room and outside occasional seating area) to licensed multi event space for 50+ members of the public

I request that the Licensing Plan is amended to indicate these areas as non-licensed areas.

11. The application is inadmissible as it is incompatible with York Council Housing located directly adjacent and opposite the premises, in Cecelia Place and Watson Street. Cecelia Place and Watson Street are home to a number of extremely vulnerable residents, several of whom require daily care. They have settled in and benefit from the unsurpassed quiet and tranquility of St Pauls and have integrated supremely well into the community.

A number of the residents have expressed their shock and disbelief at the proposed operation and proposed licensable activities of the premises and have been able to submit objections.

The safety of these residents would be prejudiced by any operation of the premises other than as a non-licensed guesthouse serving only residents.

12. The Applicant has failed to engage with responsible authorities and residents and has submitted documents which contain inconsistencies, are unclear and do not begin to address the issues raised in the application submitted on 3 February 2023. There is currently no operation, while the Hotel is being completely renovated and redesigned and areas/spaces for the proposed licensable activities are building sites. The applicant has misled all parties by statements in the Licensing application such as:

“....In additional we **have** a 18 cover dining room, 12 cover basement bar, 36 cover garden space.” We have since been advised that this garden space is for less than 36 covers, but the number is not indicated in the Licensing Plan. The Licensing Plan now indicates the Dining Room as having 16 covers and the basement bar (Whiskey Room) as having 7 covers. The Plan fails to indicate how many covers the PDR (Private Dining Room) indicated in the Licensing Plan represents in addition to the Dining Room? What is now the intended total number of covers? This can be assumed still to be not a final figures as the dining room is currently a stripped out breakfast room and currently a shell, the Whiskey Room is currently a store room, and the garden space/ is currently a part decked area overlooking a skip, with no provision for guests.

Therefore the applicant should start the process again from the beginning by completing the application properly, providing an operating schedule that addresses the licensing objectives and then engaging with responsible authorities and residents.

### **The Proposed Licensable Activities:**

#### 1. Provision of Late Night Refreshment (on the premise and only to hotel guests). I object to this .

- It Is not clear what the premises will be doing
- Late night refreshment is an encouragement to residents who wish to arrive during the night. Late night refreshment is entirely unnecessary for an independent premises with sole vehicle located in a residential neighbourhood. It is more appropriate for premises which are located out of town, in non-residential areas or near an airport etc.
- Late night refreshment, in combination with the proposed 24 hour sale of alcohol, is an encouragement to residents to stay up drinking alcohol and partying through the night.

#### 2. Sale by retail of alcohol to members of the public :

I object to any sale or supply of alcohol to members of the public as impractical and a risk to public safety.

- The management have admitted that residents of the hotel must be ensured sufficient space, and it is not clear how members of the public can be accommodated within the premises, with the lack of public/communal areas.

#### 3. Sale by retail of alcohol to hotel residents and their bona fide guests :

I object to any sale or supply of alcohol to bona fide guests. I object to any sale or supply of alcohol to hotel residents. I object to the opening of a “whisky bar”.

- The proposed sale of alcohol to hotel residents will dramatically change the established clientele (individuals travelling for business and couples and families visiting for the daytime leisure and entertainment) to groups of partying people seeking night-time entertainment. This is a very

obvious change of use for which no application has been made and public have not been consulted.

### 3. Opening hours : 24 hours Mon – Sun

I object to opening outside the hours of 8am to 9pm.

- 24 hours opening is an encouragement to residents who wish to arrive during the night. It is entirely unnecessary, and highly unusual, for an independently owned single premises town-house "hotel" with sole vehicle access via a residential neighbourhood. It will, by definition create a public nuisance, and goes contrary to every Licensing Objective. It is more appropriate and usual for premises which are part of a hotel chain and are located in non-residential areas out of town or in town centre locations, or near an airport etc.
- The location of the car park to the rear of the premises, overlooking Watson Terrace will create a public nuisance in the event of late night/early morning arrival and departure of residents by car.
- Inevitably some residents will mistake their route, in the absence of an inappropriately large signage, for which no planning application has been made, and will drive further within the residential area, exacerbating the public nuisance .
- The lack of private parking, and tight access risks late arrivals parking on-street within the residential area directly in front of residential premises, which will create a public nuisance. 24 hour opening is more appropriate for premises with adequate parking and adequate lobby space to accommodate check in of night-time arrivals.
- The above public nuisances such as noise of doors banging and voices will seriously disturb our sleep, risking frequently disturbed sleep and completely sleepless nights. This will seriously damage my health and the harmony of my family and our ability to work effectively and study.

The following is relevant evidence for all of my objections to the proposed activities, according to the Public Health England's Guidance "A practical approach to making representation to a licensing authority, here and attached <https://www.gov.uk/government/publications/alcohol-licensing-making-representations/a-practical-approach-to-making-representations-to-a-licensing-authority> .

**Premises – size and capacity of the premises will also have an impact of the surrounding environment, what are they going to be doing, history of premises operation, likely customer base, irresponsible price promotions, likely and actual effects**

- The size and capacity of the premises is unsuitable, and will encourage members of the public to accumulate in the outside space overlooking Watson Terrace and the St Pauls neighbourhood, this will cause noise which will disturb my daytime working and night time sleeping
- There is inadequate provision for staff, taking cigarette breaks in the cul de sac area of Cecelia Place, which is a private area, and parking in the central area
- The owner has announced on social media, in the Press and by circular letter that he wants to create a vibrant "heart of Holgate", he has acknowledged that "There is nothing like this on this side of York" – by own admission the premises will be creating a space for public entertainment 7 days a week all day and late night entertainment within a secluded residential neighbourhood
- Precedents of alcohol licences granted within the area are not applicable as all have main access from Holgate Road, in contrast to the present premises which is predominantly accessed via, and proposes dining and events in the outdoor space to the rear, directly overlooking St Pauls neighbourhood.
- Precedent of St Georges Hotel application applies, and this application should be rejected in full.
- There is no history of serving members of the public
- There is no history of any form of entertaining other than hotel resident breakfast, which was managed in shifts due to insufficient space to accommodate all guests simultaneously
- The historical customer base is individuals, couples and family groups – opening to members of the public is unnecessary, and risks introducing late night revellers
- Offering a whisky bar is irresponsible, and will encourage late night and excessive consumption of alcohol, being spirits

- It is likely that the owner will offer irresponsible price promotions to generate trade – see the current website offer of sparkling wine as a promotion to generate custom for the opening of the hotel business (Annex)

**People – the owner of the premises is ultimately responsible for adhering to the licensing conditions and promoting licensing objectives**

- The owner of the premises has demonstrated a lack of responsibility, awareness and ability or willingness to follow procedures in the twice failed licensing applications and the current pending application therefore is not responsible for adhering to the licensing conditions and promoting the licensing objectives: including on 2 failed applications omitting to properly advertise, on two failed applications prematurely placing a non-approved notice purporting to be authorised by Licensing Services and displaying an incorrect end of representations date, before even submitting an application, let alone being authorised, on the current and previous application reverting to licensable activities and opening hours which had been dropped purportedly in response to objections by local residents.
- The owner of the premises has demonstrated a lack of regard for residents of St Pauls Conservation Area. The owner has bypassed all necessary public consultations on planning and change of use and has been secretive about his licensing application, initially omitting to place a notice to the rear of the premises opening onto the St Pauls neighbourhood, twice omitting to place a notice in the approved press publication and in his circular letter glossing over many facts and most notably explaining the first failed applications as “withdrawn ... And reapplied under new conditions taking into account all the information provided in the objection, this is at best misleading and at worst knowingly and recklessly making a false statement to discourage further objections and ease the passage of the application, as the withdrawn application had already been limited, and the second application was in fact broader than the limited withdraw application, as is the current application.
- The owner of the premises has demonstrated a lack of regard for residents, sending a circular letter replete with speculative, misleading and totally impractical or dangerous assurances to all residents of 1 to 37 St Pauls Square, omitting any other St Pauls residents including those directly opposite and adjacent (Watson Terrace, Cecelia Place, 38 to 41 St Pauls Square), for the sole purpose of encouraging the withdrawal of representations.

**Physical characteristics of the premises**

- Licensing Services or other suitable body having responsibility to decide on or advise, have visited the premises, however were they made aware of the extent of activity proposed in the outdoor space to the rear of the premises? This area is a completely open space in full sight and sound of Watson Terrace, and is proposed as a drinking and dining and event space for up to 36 people, in addition to the entry and exit for those entering the space and the B&B/hotel by car via the car park.
- I request that Licensing Services or other body visit the premises at different times and days, including school hours (the busiest time on Watson Terrace), weekday evenings and weekend daytime and evenings, in particular Sunday, when the area is completely silent – it is during these times that the applicant proposes to run a business selling alcohol to hotel residents and members of the public and hosting events in the outdoor space opening directly onto Watson Terrace and St Pauls Conservation.
- The proposed activity of a drinking and dining and event business of up to 36 people in addition to a further 32 within the building, is at any time, and cumulatively during the day could amount to some 150 or more members of the public entering the outdoor space and the garden with the associated noise and disturbance. This will disturb during daytime my work and my daughters study and in the evening up to 10pm and beyond will disturb our sleep.
- This is a residential area of some 300 residences and a primary and nursery school, with residents including vulnerable living in social housing directly adjacent and opposite the property, families with young and school-age children in full time education, working individuals and couples and elderly, many of whom have chosen to live in this neighbourhood for its extreme

quiet and unspoilt tranquillity, away from the bustle of York centre, and protected from the traffic noise by the high buildings along Holgate Road.

- The location of the outside space and of all of the neighbourhood of St Pauls to the rear of the properties bordering Holgate Road is quite extraordinary in that the height of the Holgate Road buildings both shields the area from the noise along Holgate Road and to the south thereof, and amplifies noise within the St Pauls Conservation Area

### 2.1 Crime & Disorder

- 48 – 64 members of the public entering the premises via the access-only neighbourhood of St Pauls, introducing the day and night time traffic from outside the area, risks entry to the neighbourhood by prospective criminals and others likely to be disorderly
- 48 – 64 members of the public drinking alcohol on the premises risks their departing from the premises and remaining in the neighbourhood and committing crime or being disorderly – notices to “leave quietly and respect the neighbours” are unlikely to have any effect
- vehicle traffic via Watson Terrace, opposite St Pauls Primary School pupils’ entrance
- parking and waiting in double yellow or “School Keep Clear” zones
- insufficient parking capacity for only 12 or so small vehicles
- new 36 person outdoor open seating and tables area , opening onto Watson Terrace
- Under construction, new 12 person basement bar area
- Advertised as welcoming dogs

I have to question why the applicant is attempting to create this new luxury hotel, dining and drinking business for members of the public in this very sensitive location. The applicant has been reported as saying “there is nothing like this on this side of York”, which is sufficient grounds to demand an in-depth assessment of its suitability in Holgate, and more particularly in the heart of the St Pauls neighbourhood. The Proposed Licensable Activities would encompass the establishment of a night-club.

### 1 The application should be refused because the proposed licensable activities are likely to lead to crime and disorder.

- The vehicle entrance and newly constructed outside dining area are in a purely residential and school neighbourhood, which is accessed almost exclusively by residents, the school community , members of the public visiting residents or the school or enjoying a walk in the peaceful neighbourhood. There is no reason for anyone else to enter Watson Terrace or St Pauls Square.
- The proposed licensable activities will bring significantly more members of the public into the closed, access only neighbourhood, with the intention of drinking alcohol or purchasing off premises alcohol or both, bringing a greater risk of crime and disorder.
- The closed, access only neighbourhood is very quiet and largely unobserved presenting temptations to members of the public to crime or disorder damaging residents’ cars and property, burglary, littering, graffiti, etc.

### 2. The application should be refused because the proposed licensable activities are likely to lead to a risk to public safety:

#### 2.1 risk to public safety by drivers under the influence of alcohol:

- Vehicle access to the neighbourhood and to the premises is by a single vehicle width 1-way streets and a very narrow two vehicle width street sufficient for vehicles to pass with caution but without any central line marking, which are prone to congestion by more than a single vehicle
- The turn-out from the premises is blind, with high walls to both sides, leading to a confined and blind exit onto Watson Street, with very narrow pavements
- There is significant pedestrian traffic along Watson Terrace and Watson Street at the start and end of the school day, the pavement in the proximity of the premises and at the junction of Watson Terrace and Watson Street is narrow, in places sloping, and very exposed
- There is an increased risk of guests and members of the public drinking alcohol and leaving the premises by vehicle, with risk of collision with other vehicles and pedestrians, including children.

- 2.2 risk to public safety by abuse of the safe and regulated operation of an alcohol licence
- The applicant has demonstrated a lack of responsibility, an inability or unwillingness to follow procedures correctly and a lack of regard for and accountability to the local residents
  - The applicant is therefore not a "responsible person" within the regulations required for supervision of the sale of alcohol
  - The member of staff appointed by the applicant to be DPS, responsible for supervision of the sale of alcohol, in the employment of the applicant, is not free from any influence of the applicant
  - The employment record of the DPS is on Hotel Cleaning Services and not in licensing supervision, she is newly qualified and has as yet no experience as a DPS (see attached)
- 2.3 Risk to the health of council housing residents
- Guests and members of the public (entering and) leaving the premises under the influence of alcohol presents a risk of disputes with each other, and creating an unsettling environment for the vulnerable, which could lead to a risk to their personal safety.

3. The application should be refused because the proposed licensable activities are likely to lead to public nuisance

3.1 The applicant has failed to follow the procedures for the making of a licensing application leading to the withdrawal of the previous 2 applications (notice displayed only on the Holgate Road frontage of the premises and no notice displayed at the rear of the property adjacent to Watson Terrace, and no Press notice, and posting a notice purporting to be an approved application before making an application

3.2 The premises has private parking for only 10 – 13 vehicles, insufficient for up to 22 resident guests, unlimited drinking members of the public and up to 66 dining members of the public and staff and service vehicles

- The applicant has made no provision for service vehicles, and proposes to allocate the entire parking provision for guests of the hotel – this risks unlawful parking of service vehicles on the street, causing a public nuisance in the single width street

4. The proposed licensable activities increase the risk of causing harm to children and contravene policies in place to protect children from harm

4.1 risk of causing harm to children by use of bad language and inappropriate language and conduct, under the influence of alcohol:

**CONCLUSION**

I have been told that the applicant has made assurances in the application in relation to public safety of guests and members of public on the premises. Assurances for public safety of the neighbourhood is limited to "displaying a range of local transport information on the premises"..... I refer to inadequate assurances in the application, to which I reserve the opportunity to refer in the proceedings.

I quote the ST Georges Hotel application in which the Environmental Health Officer summed up "there is ... a risk [of] introducing noise into an area where noise does not currently exist." I object in the strongest terms and on the above evidence and evidence comprising a recording which I ask to play to the hearing, that there is more than a risk, an inevitability of introducing noise into an area where noise does not currently exist. This will be a risk to health of residents including myself, having a high sensitivity and intolerance to noise and my neighbours in particular those from the council housing.

Moreover there is ... a risk [of] introducing a feeling of insecurity into an area where insecurity does not currently exist.

**Attachments**

1. Marked up abstracts from Minutes of St Georges Hotel hearing
2. Linked In post publicising ambitions for premises
3. Circular letter to Dear Residents
4. Conditions agreed with Police and Environmental Health Officer in relation to the first application (3 Feb 2023)

5. Conditions agreed with Environmental Health Officer in this application (19 April 2023)
6. Photographs of the area including Plan of St Pauls Area within Holgate Ward
7. Qualification of Designated Premises Supervisor
8. Career history of DPS
9. Marked up Licensing Plan with required areas to be non-licensed
10. Premises architectural plans showing inadequate communal areas, including no lounge areas
11. PHE A practical approach to making representations to a licensing authority
12. Other attachments as attached and not listed



## Annex

### Comments from Tripadvisor

"Adequate parking though tight when all guests are in."

"There was 2 breakfast sittings, 8.15-9 and 9.15-10.00 but seemed none of the guests knew this and there was no cleaning break... Meaning if we turned up at 9.15 guests were half way through eating and rarely a free table until 9.30. our first morning we had to eat outside. The dining area is probably too small."

"down side would be if you are a light sleeper as abit of floorboard noise from room above."

"Onsite car parking in York is a premium so the car park at the rear of the hotel was very welcome."

"The added advantage of this hotel is that it has a free car park on site, which is good as there is a premium on parking and it is expensive."

"It is a little bit of a walk or bus ride into York, but there is plenty of parking available - which is hard to get closer to York."

"The dining room was very busy, guests were left stood at the entrance waiting to be seated, being ignored and not even acknowledged by the 2 waiting in staff. I overheard one lady say, after 5 minutes, that she was going to sit down rather than standing there like a spare part, then sat down at a dirty table. Due to the way they had set their tables, there was very little room around the breakfast bar, and people sat at the nearby tables were getting banged into. There was more seating downstairs, but guests who'd sat down there were being totally ignored and kept coming up to complain."

"We were allowed to park our vehicle in their car park when we first arrived even though we were too early to check in. We also left the car for several hours after checking out which saved us having to drive into York."

"We ordered two rooms, one was so small I was unable to open my suitcase."

"Breakfast was totally disorganised. They do not have enough tables and the dining area is very cramped."

"There was one night where doors were banging extremely loudly and excessively, shaking our room and it didn't stop until around 1am. I also had someone outside the door early in the morning, calling for someone in the hotel room next to us saying he'd been sat out there for hours!"



Dear Residents,

"New Holgate Hotel" is the restyled recently sold Holgate Bridge B&B, still signed as such, with ongoing building works to introduce non-resident dining for 52 (no change of use application) in addition to the resident dining capacity of 18. The new capacity will be for 16 (revised to 7) in a converted basement bar (no application for planning consent or listed building consent) and 36 (revised to ??) in an outside space on the Watson Terrace side (no planning consent/listed building consent) and unquantified numbers of people to attend "events" (unlicensed activities?) to be hosted in the outside space

We are writing to you from New Holgate with regards to our recent application for an alcohol licence.

24 hour alcohol licence for residents, 0800 to midnight for non-residents; at applicants admission "there is nothing like this on this side of York"  
Astor and Kilima/Best Western both have resident alcohol licences, but have hotel entrance and off-road drop off areas and car parking exclusively from Holgate Road

We have been made aware of some objections that have arisen from our application, and so we would like to take this opportunity to inform you that we have thoroughly reviewed all objections and fully appreciate the concerns you have regarding the type of services we have applied for and the potential for disruption to our local residents.

1. "Due to this" neglects the truth, withdrawal directed by Licensing Services' application procedure was not followed, no notice displayed on Watson Terrace frontage (car park access)
2. "New conditions" neglects the truth, these were imposed by Police and Public Protection Services who required deletion of licensable activities for more than 500, and licensing to members of public

**Due to this** we have withdrawn our current application and have reapplied for the licence under new conditions, taking into account all of the information provided in the objection<sup>2</sup>. letters. We appreciate that some of the terms on our previous application were not at all necessary and we understand how it could cause serious concern. We hope that the terms of our new application will be well received by our local residents.

3. Intention... certain type of clientele: what does this mean? with a £2M investment to cover... already advertising a discounted rate on website www.newholgate.com
4. "strict policies" - not attached with the letter - I was promised copies but have not received anything

We are very keen to work in partnership with our local residents & businesses to offer a service which not only our hotel guests can enjoy, but our local residents too. It is our intention to create a venue that attracts a certain type of clientele<sup>3</sup> which will appreciate the services we intend to offer. We already have strict policies in place<sup>4</sup> to protect our local residents from potential disruption. However having said this, we would like to welcome you all to contact us directly to discuss any concerns you have, to ensure we can rectify any causes for concern before we open<sup>5</sup>. You will find our contact details at the end of this letter.

5. 24 April opening delayed to 1 June (see website), bookings have been taken for the end of June, dogs welcome (dog toilet? noise?)
6. "At the date of this letter, agreed conditions limited custom to hotel residents and bona fide guests - after negotiation this condition has been lifted with no explanation or apparent operational change

Although we do not intend to limit our custom to hotel guests & St Pauls Sq residents only, we respect concerns regarding this decision<sup>6</sup>. We are aware that our car parking facilities are limited, but we would like to offer our services to passers-by and other residents of our City. We believe by opening our services to a wider audience, we will be able to provide more than 15 new jobs & greater job security for our team. In addition to this, we will be supporting our local suppliers.

7. Acknowledged "limited parking facilities", with no strategy  
To be further stretched by 15 new employees and members of the public and "bona fide guests" of residents.....  
The Hotel falls in our R60C zone and can access parking permits and (waiting to hear from Parking Services) visitors day permits?

As well as supporting our own suppliers, we have every intention of supporting other businesses in the local area too, such as our traditional local pub; The Volunteer Arms. As we are not intending to offer a traditional style "bar" with draught beers & hand pulls, we hope that many of our guests will use our local pub as an alternative to the style of services we will be offering. We will be encouraging the use of the pub to all of our guests along with other local businesses.

In particular regards to noise pollution, we are putting into place a strict policy around noise<sup>8</sup> in our garden, which will be carefully monitored on a daily basis. Upon closing of the garden we will be directing our visitors out and ask them<sup>9</sup> to keep noise levels low as they exit.

8. "strict policy" not attached - requested and not received
9. "ask" is not a strict policy, this was deemed insufficient in the St George's Hotel application

In regards to the concerns around "gaming stations" we believe this may have been misunderstood. Our gaming stations will be for childrens only. If we do go ahead with this idea, the gaming stations will be things such as Xbox & Playstation consoles for children to use whilst their parents relax and enjoy a meal. We do not intend to provide any method of gambling within our premises under any circumstances.

In regards to traffic concerns, we are taking the following measures:

10. "strongly encouraging" is not a policy and largely ineffective; directing traffic via Watson Street just moves the problem to the council housing and constricted access point  
11. SatNav will not heed "strong encouragement" from the Hotel

- We are putting together information for all of our guests which they will receive upon booking a stay with us. This information will give detailed instructions of how to access the hotel car park. We will be strongly encouraging<sup>10</sup> all guests & suppliers to use the Watson Street/Watson Terrace access point rather than the St Pauls Sq<sup>11</sup> access point. We hope that<sup>12</sup> by doing this we will not increase the number of vehicles in and around St Pauls Sq which will reduce any potential disruption.

12. "we hope" not a policy and totally ineffective

- Furthermore we will be inviting<sup>13</sup> the parents of children at St Paul's School to use our car park during pick up/drop off times which we hope<sup>14</sup> will also reduce the amount of traffic & idling in the area.

13. "we will be inviting" The School declined an offer by the Hotel for parents to park in their car park, as it goes against School policy to discourage arrival at school by car

14. "hope" - not a policy

- In conjunction with these measures we will also be ensuring<sup>15</sup> all taxi's pick up & drop off guests at the front of the hotel, rather than the rear.

15. "ensuring" - not a strict policy, and traffic hazard

The front of the B&B/hotel is exclusively double yellow, pedestrian crossing zone and a small zone of R60C residents/90 minutes waiting (usually full) - dropping off on the double yellow/crossing zones would be a risk to Public Safety; there is already disruption to residents of Watson Street by taxis picking up and dropping off outside the pub

We would also like to address the concerns about the environmental impact our new business may have on the local community, and so we would like to take this opportunity to inform you all about our sustainability mission:

- We are on a mission to become a carbon neutral business by 2025. Sustainability is at the heart of everything we are doing to create this luxury establishment for our guests & local community to enjoy.
- All of our food & drinks will be locally sourced to the best of our ability. At present, our product with the highest food miles our eggs, which come from just 17 miles away in the Howardian Hills.
- We are using eco-friendly cleaning products to minimise the harm to the environment.
- We are in the process of planting 5 oak trees in York to offset the carbon footprint of our refurbishment, and we have plans to plant many more in the years to come.
- We are choosing our suppliers very carefully based on their own sustainability missions and objectives.
- We intend to have electric car charging stations<sup>16</sup> in our car park.

16. Planning permission required for Conservation Areas / Listed buildings <https://www.planningportal.co.uk/permission/common-projects/electric-vehicle-charging/planning-permission>

- We intend to offer a pick up & drop off service to our guests from the train station in an electric vehicle, to reduce the amount of cars and taxis coming in & out of the local area.

17. "offer" is not a strict policy - disincentive of cost and inconvenience of train (connections, time, luggage)  
18. "reduce amount of cars and taxis": traffic into and out of area will be same

- All of our suppliers for our locally sourced food & drinks, down to our staff uniforms and toiletries will be carefully chosen to ensure our goal of becoming carbon neutral by 2025 is entirely achievable.

We welcome any suggestions which will help us meet this target.

As previously mentioned, we would be delighted to welcome you all to contact us directly about any concerns you may have, or any suggestions you have for us to ensure we are putting our local residents' concerns at the forefront of everything we do.

19. The owner published in press in March that local residents would be invited to view the hotel ...this didnt happen .....

Our contact details are as follows (if you would prefer to speak over the phone, please send an email and we will get back to you with a contact number):

Nick Bradley (Owner/Director):  
Email – [nick@newholgate.com](mailto:nick@newholgate.com)

<sup>20</sup>  
Daisy Dyrdal-Mortimer (Operations Manager):  
Email – [daisy@newholgate.com](mailto:daisy@newholgate.com)

20. Daisy obtained in January 2023 her personal alcohol licence to act as Designated Premises Supervisor, with a background in hotel cleaning services

Kindest regards,

The Team at New Holgate



Meeting Licensing/Gambling Hearing  
Date 1 February 2021  
Present Councillors Mason, Melly and Norman

*1 enter highlighted comments into the procdure*

**34. Chair**

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

**35. Introductions**

The Chair introduced those participating in the hearing: Members of the Sub-Committee, the Applicant, the Barrister representing local residents and his witness, the resident representing himself, the Public Protection officer, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser to the Sub-Committee, the Democratic Services officer, and the Litigation Solicitor who was shadowing the Legal Adviser.

**36. Declarations of Interest**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests; and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared.

**37. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**38.**

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

Members considered an application by Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York YO24 1DR.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this hearing:

- The Prevention of Public Nuisance
- The Protection of Children from Harm

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
  2. The papers before it.
  3. The additional plans submitted by Mr Bryce before the hearing.
  4. The Licensing Manager's report and her comments at the hearing. The Licensing Manager outlined the report and the annexes, noting that the premises were not located in the Cumulative Impact Area and that consultation had been carried out correctly. She highlighted the additional conditions agreed with North Yorkshire Police in Annex 3 and the objections of Public Protection in Annex 4, confirming that the Police did not oppose the application. She acknowledged the additional information published in the Agenda supplement and the plans submitted by Mr Bryce. Finally, she advised the Sub Committee of the options open to them in determining the application.
- In response to questions from Counsel for the residents, the Licensing Manager confirmed that the Applicant had a personal licence. She said she had no knowledge of the premises prior to the application and agreed that details of

operating hours for service of alcohol were not provided in the Applicant's plan at page 33 of the papers. In response to questions from Mr Bryce, she confirmed that it was not a requirement for licensed premises to have a bar, and that the application was for a licence to cover both the garden and the whole hotel.

5. The representations made at the hearing by yourself (henceforth referred to as the Applicant).

The Applicant stated that his intention was not to open a beer garden or bar available to the general public. His application was a direct response to the problems caused by Covid-19, in particular the need to provide safe spaces to meet and eat. The main objective was to enhance the service provided to guests of the hotel, and extend it to local residents and anyone else who wanted a safe dining experience. He also wanted to help his business survive and to protect jobs. He regretted that, due to shielding, he had been unable to hold meetings with local residents and respond to their concerns in person. However, he had been available on the phone and the only resident who had contacted him was in favour of the proposals.

The Applicant further stated that the glass pods he intended to install had a maximum capacity of six people. They were self-contained, weather-proof and made of high-quality materials. They would be available to pre-booked diners only, and alcohol would be served only with a meal. Bookings would not be accepted from stag and hen parties and never had been. Neither would bookings be taken from parties of more than six people. Only hotel guests and pre-booked diners would be admitted to the garden. Racegoers would not be excluded from booking to dine. Off sales were included in the application to enable diners to purchase a bottle of wine to take away with them.

The Applicant went on to state that there would be a maximum of 48 customers in the garden (up to 6 per pod). To minimise disruption further, he proposed an earlier closing time of 9:30 pm on Sundays to Thursdays (last orders at 9:00 pm) and 11:00pm on Fridays and Saturdays (last orders at 10:30pm). Referring to planning consent for the pods, he said he had been advised on 5 November 2020 that this was not required and had begun

no conditions proposed!  
similar - not a recipe

similar

no such condition to limit alcohol to diners - more on site

no CCTV system on site - make bridge & pillars

no satisfactory parking policy

considered too restrictive - He to open 2hrs by evening even more restricted hours not acceptable

construction of concrete platforms on that basis. Having later been informed that the platforms did require consent, he had since submitted a planning application.

With reference to the operating schedule, the Applicant said he did not anticipate any increase in alcohol-induced anti-social behaviour or crime, since alcohol would be sold only to customers eating on the premises. There would be two fully-trained members of staff on site at all times and he would be happy to meet regularly with ward members and residents to ensure that their experience [of the operation] was a positive one. He took fire safety very seriously and would comply with all requirements in respect of fire exit markings and appliances. The 'fire pit' would be purely decorative, consisting of a raised steel bowl 2m wide, containing a burner occupying less than half that diameter. In respect of safe service of alcohol, he would comply fully with all police requirements and had consulted a professional adviser with regard to CCTV. All staff were trained in the Licensing Act objectives and would apply an age verification policy and keep the required records. Alcohol would not be sold late at night and customers would be reminded, in correspondence and by notices at the premises, to respect the residential area. Out of hours security was provided by a night manager who lived less than 10 minutes from the premises and received alerts from the on-site CCTV cameras. The pods were lockable, and the garden would be fenced off and locked. There were 2m high walls on two sides of the garden.

The Applicant said he did not think that the development would cause significant extra traffic. There were 7 parking spaces on site for hotel guests; other customers would be directed to parking on Knavesmire Road. Neither did he anticipate any noise nuisance. He had carried out tests using decibel meters, which indicated that noise levels from the pods would be no higher than background levels. There were no facilities for playing music and the premises would not be open late at night. There would be no deliveries before 9am; refuse was collected once per month. There would be no service of takeaway food to create litter. The dining area was at the rear of the premises, and there would be no street drinking.

no evidence of increasing (other than DPs) and no previous experience

these noise considerations - no tests from H.S. apply court



Unaccompanied children were not allowed on the premises and the garden was not visible from the street.

In response to questions from the Public Protection officer, the Applicant said he had carried out the sound tests himself using an iPhone app, by playing music quite loudly in one pod and measuring the sound level from a distance of 2m. He agreed that this did not amount to scientific data or a professional assessment.

In response to questions from Counsel for the residents, the Applicant stated that:

- He also intended to serve alcohol in the dining room inside the hotel, which currently seated a maximum of 16 people, and would agree not to exceed this capacity should the application be granted.
- He did not intend to apply the 9:30 pm time limit to hotel guests dining indoors and had not anticipated other customers dining indoors with guests.
- The pizza oven would be a mobile unit and would be subject to the same operating hours as the pods.
- He and his staff would use their judgement in deciding the ratio of food to alcoholic drink to be accepted in a customer's order.
- There would be a minimum of 2 members of staff on duty and serving customers during operating hours; orders would be taken via an app. There would also be a 'restaurant manager' not involved in serving or cooking food.
- The application was not time-limited, and he intended to continue the operation post-Covid.
- The exact location of the smoking area had not been decided, but it would be in the car parking area at the back of the hotel; this area abutted the boundary fence of 4 St George's Place. It would be covered by CCTV but not subject to controlled hours, as the garden area would be closed to non-guests outside operating hours.
- He followed the risk assessment guidance, but as a non-lawyer was not familiar with the reference to Section 182.

In response to questions from Mr Bryce, the Applicant stated that the plan at page 33 of the papers was of the footprint of the hotel. He said there was no reason why he

still not persuasive

in this case (H/S) no proposal to (want alcohol or make to food)

similar to H/S - about boundary of 1-7 Watson Terrace

compulsory conditions offered by the applicant

had not submitted a clearer plan of the basement. The room to the left of the dining room on the plan was a guest bedroom. There was no bar in the hotel, and only one dining room.

similar

In response to questions from members of the Subcommittee, the Applicant confirmed that he would be content to remove the additional hours applied for on Christmas Eve and New Year's Eve, substituting a finish time of 9pm on Christmas Eve, and accept a condition to limit service of alcohol to table service only. He said that the menu for food service was 'evolving', but he was expecting to serve proper 3-course meals of a Mediterranean type, including pasta, salads, antipasti and desserts, not just pizza.

not persuasive

In response to a question from the Legal Adviser, the Applicant agreed that it would be possible for customers to play music inside the pods on their own devices.

[At this point there was discussion between the Legal Adviser and Counsel as to whether music on licensed premises before 11pm could be conditioned from the outset or only on review of the licence.]

there is no issue on music in H/S outside space, that being a non-licensed activity

Finally, the Licensing Manager asked the Applicant to clarify what was shown on the plan at page 33 of the papers. The Applicant confirmed that it was intended to show every floor, including the basement. The area marked 'dining room' was meant to be the on ground floor. He said the plan was a mistake, a terrible plan, and that it was not his intention to licence the basement. The Licensing Manager confirmed that, since the application did not cover the basement and other plans of the ground floor had been submitted, she had no further concerns.

The representations made at the hearing by Michael Gollightly, City of York Council Public Protection.

Mr Gollightly stated that the application was for the premises to operate from 11:00 am to 11:00 pm, 7 days per week, in a quiet residential area. Each of the 8 pods could contain up to 8 people (or 6 as the Applicant now stated), and the external area could accommodate more. Although further conditions had been offered by the

still not persuasive, all application is 24 hours indoor and 8pm-10pm outside

Applicant, these had either not been formally agreed or were not sufficiently robust. As the application stood, there could be a bar outside. There was also some confusion around who would use the pods. Customers could include racegoers, in which case stringent conditions would be needed. The sound tests had not been carried out by a qualified technician and no details were available in respect of reverberation, background noise levels, the cumulative impact of noise from all the pods in use simultaneously, or sound insulation. The conditions agreed were insufficient to control noise from licensable activities. Public Protection therefore recommended that the application be refused on the grounds of public nuisance unless the issue of conditions could be resolved.

In response to questions from the Applicant, Mr Golightly explained that admitting racegoers to the premises would increase the risk of anti-social behaviour and noise, which meant that door staff would normally be required on race days. Taking pre-bookings and serving alcohol only with meals would help, but more precise details on the handling of bookings would be required in order to mitigate the risk.

In response to questions from Counsel for the residents, Mr Golightly said he could not think of any premises operating in a similar way in a residential area in York and confirmed that there were no other licensed premises close to the application site. He agreed that to site a smoking area beneath a child's bedroom window would be poor management, though in public protection terms this was about the noise rather than the smoke. He confirmed that disturbed sleep was relevant to public protection, but light was less of an issue because it could be controlled, e.g. by putting up curtains. He agreed that kitchen smells could be a statutory nuisance and that exposure to bad language was relevant to the protection of children from harm. He could not comment on the frequency of rubbish collection, but agreed that businesses should plan for the collection of commercial waste. He agreed that the impact of Air B&B premises in a residential area could be significant if they were not well managed, and said there had been an increase in complaints about such premises in York.

In response to questions from Mr Bryce, Mr Golightly stated that noise inside adjacent buildings was not a concern from a licensing point of view where there was no regulated entertainment or music. In preparing his representations he had only examined the external area.

In response to questions from members of the Sub-Committee, Mr Golightly stated that it might be possible to mitigate the public protection risks if the application were significantly altered. However, there was still a risk it could introduce noise into an area where noise did not currently exist. He said he had not had time to discuss conditions with the Applicant over the Christmas period. However, he had doubts as to whether the premises were suitable for this type of operation. The location of the pizza oven was a further concern, since even an external location could be a risk. He agreed that the Applicant should have submitted a planning application for a change of use before applying for a premises licence. He confirmed that no noise complaints had been received about the premises as it currently operated. However, once the whole premises was licensed, there could potentially be a bar in any of the rooms. He agreed that it would not be possible to agree conditions to mitigate the risks at this hearing.

## 7.

The representations made at the hearing by Leo Charalambides, Counsel for a number of residents of St George's Place and Moorpath Avenue.

Mr Charalambides stated that it was important to focus on what the application was for - an outdoor food and drink-led development in a hitherto darkened garden within a cul-de-sac, in an entirely residential area. With up to 48 customers in the pods and some outside them, plus staff and hotel guests, there could be a significant number of people in the area at any one time. The Public Protection officer had been unable to give an example of a similar operation in York. The Sub-Committee was being asked to authorise the use of a garden as a restaurant or bar; however, this was a planning issue. On that basis alone, the Applicant should be required to obtain planning permission before seeking a licence.

Mr Charalambides submitted that the application was not a response to Covid as stated by the Applicant, but about a long-term investment in an unauthorised restaurant / bar. The application was 'ill thought out and irresponsible' in the context of the Licensing Act guidance and the Council's statement of licensing policy. The residents had taken the time and trouble to make representations, hold meetings and instruct Counsel, and they should be listened to. Paragraph 9.38 of the guidance made it clear that the 'overall interests of the local community' were a relevant consideration, while commercial interests were not. The Applicant had failed to comply with his basic responsibilities, including the requirement to submit 'clear and legible' plans.

Mr Charalambides said he was chilled by the Applicant's response to the Sub-Committee that the menu was 'evolving', concerned that he had started building before engaging with the planning process, and shocked that the police had agreed conditions. He had asked the police to attend the hearing but they were not available. He stated that the Applicant had failed to undertake the local enquiries and risk assessments required by the Licensing Act guidance, including risks associated with the smoking area, cooking, race days, and people loitering outside the premises. The Applicant's responses to questions indicated that he had not thought this through and was unfamiliar with the guidance.

Mr Charalambides drew attention to:

- The statements of the residents, and in particular their references to break-ins at the premises;
- The issue of preserving privacy and data protection in the glass pods and how this would be addressed;
- The protection of children from harm - which harm, under paragraph 222 of the guidance, could include bad language and limiting children's enjoyment of their own gardens;
- The lack of parking facilities and information on where and how parties of diners would be organised, and potential public nuisance resulting from this.

He urged the Sub-Committee, even just on these few examples, to reject the application.

Cllr Crawshaw, Ward Member for Micklegate, was called as a witness. He confirmed that St George Place was a quiet residential street in his ward, with a small supported-living area at the top of the street and larger houses towards the bottom. There had been no complaints about noise in the area until last year, when he started to receive reports that racegoers congregating at Knavesmire Gates were causing problems. This was about 100m from the entrance to St George Place. One of the biggest problems he had to deal with as a ward councillor was the noise from small groups of 3-5 people sitting drinking on the wall at Little Knavesmire, which sounded more like 20-40 people and carried as far as Albermarle Road. There were also issues with Air B&B premises on The Mount. People would tolerate occasional noise from their neighbours but noise from commercial premises on a regular basis would often become a problem. He and his fellow ward member Cllr Kilbane had been contacted by a significant number of residents and he was disappointed that the Applicant had not contacted ward members. In his own experience with music venues, complaints usually related to the smoking and external areas. He considered that this was the wrong idea for the area and would be disastrous for St George Place and Moorgarth.

The following residents represented by Mr Charalambides were then called to comment individually:

- Mark and Helen (Representor 18) said that noise, disturbance and pollution from the premises would affect their enjoyment of their garden, their children's health and ability to sleep and also their privacy, as it was possible to see into the family's bedrooms and dining room from the pods.
- Derek (Representor 15) said that noise would be a significant issue for him and his family, as they lived close to the premises and all, including their young son, slept at the rear of the house. Their use of their own garden would also be affected.
- Rebecca (Representor 14) said that having over 40 people in the garden of the premises would have a huge impact in terms of noise; this would affect her children who were doing university work at home and was inappropriate for the area.

- Sean (Representor 11) pointed out that the premises were in a conservation area and said that the noise was bound to carry, as there was a clear line of site down a line of domestic back gardens to the pods, and the operation would disrupt the residential character of the area.

In response to questions from the Applicant as to how he could allay residents' concerns, Mr Charalambides advised that he should start the process again from the beginning by completing the application properly, providing an operating schedule that addressed the licensing objectives and then engaging with the responsible authorities and the residents. The additional documents he had submitted were an attempt to engage retrospectively, contained inconsistencies, were unclear, and did not begin to address the concerns raised.

In response to questions from members of the Sub-Committee, Mr Charalambides acknowledged that the police had agreed the operating schedule and the Applicant had offered earlier closing times, but said it was local residents who were the experts on crime in their area. Already there had been an increase in crime and disorder, with break-ins at the premises, and drug users and anti-social behaviour in the wooded area nearby. Although there were no specific problems associated with the current bed and breakfast operation, the application was likely to exacerbate certain types of disorder in the area, including those associated with the racecourse. He called on Cllr Crawshaw to expand upon this.

Cllr Crawshaw explained that on race days up to 40,000 people attended the racecourse, resulting in a significant number of anti-social behaviour incidents. Ward members held meetings with residents at the start and end of every season and their complaints greatly exceeded the incidents officially recorded by the police. There had already been an increase in problems at the Knavesmire gates and this application would provide a further focus for anti-social behaviour, drawing it further up St George Place. Noise travelled further than most people realised.

In response to further questions from the Sub-Committee:

8.

- Mr Charalambides stated that the hearing was for members to make decisions in the interests of the local community.
- Cllr Crawshaw said he had not objected to the application because he had misunderstood that part of the Licensing process; it was a mistake on his part.

The representations made at the hearing by Anthony Bryce, a local resident.

Mr Bryce supported the submissions made by Counsel for the Applicant. He added that he found it hard to believe that the basement would not be used for any purpose and stated that there was the potential to modify the premises over time and for the basement to be used by drinkers. This would increase capacity, attract more people to the premises and exacerbate the problems it would cause.

The Representors and the Applicant were each then given the opportunity to sum up.

The Public Protection officer summed up. He said that the application had been submitted over Christmas and he had not had much time to consider it. However, nothing he had heard today had allayed his concerns about noise nuisance; in fact it had caused additional concerns. This was a highly residential area, and the premises were overlooked by gardens and dwellings. No professional sound tests had been carried out on the pods. It was not clear that any achievable conditions could be attached in order to prevent noise. He therefore advised that the application be refused on the grounds of public protection and protection of children from harm.

Counsel for the residents summed up. He said it was clear that the Applicant had not considered the nature of the location and the character of the area. The application was changing and evolving to suit the questions being asked. The Public Protection officer had said that he had extra concerns, and Paragraph 9.12 of the guidance stated that particular regard should be taken of evidence from an expert. Members were looking at a proposal to develop a bed & breakfast operation in an entirely residential area into what was effectively a stand-alone

glass restaurant and bar in a residential garden. This was simply not suitable for the area, and he urged them to reject the application.

Mr Bryce summed up. He stated that this was an ill thought-out and opportunistic plan to exploit the premises for financial gain. He said that the Applicant was not interested in its effect on the neighbourhood because he lived away from the area. Residents would suffer visual and aural detriment and loss of parking space. If granted, the application would set a dangerous precedent. The Applicant had no experience of running licensed premises, had shown a lack of involvement, had avoided submitting accurate plans with clear details, and could not be relied on to comply with conditions.

The Applicant summed up. He thanked everyone for their involvement and said he had listened carefully to the objections and taken them on board, especially the comments about noise and disruption to amenity. He stated that this was not a profit-motivated endeavour but an attempt to diversify and provide something unique to encourage people to visit and ensure the success of the guest house business. He wanted to take on new employees as well as retain current staff. He appreciated that the objections were based on a 'worst case scenario' and would be happy to curtail his opening hours, including not opening in the evenings on Sundays to Tuesdays if that would help. He would also be happy to limit the number of customers in the garden to 24. He did not think that the restaurant would draw racegoers up to St George Place, as he was not offering a bar and there was no seating in the garden area (except the pods). His purpose was to provide safe, comfortable, warm private dining areas and he would not seek to attract the type of customer who would detract from that atmosphere. He accepted that the original application had not been detailed, but said he had subsequently submitted very detailed operating principles.

The following points of clarification were provided:

- On the issue of imposing conditions on music that was not a licensable activity, as discussed earlier, the Legal Adviser and Counsel for the residents

confirmed that they had not changed their positions; however, the latter agreed that this was a grey area.

- Members agreed that they could consider conditions relating to the number of customers permitted in the garden area, the areas to be licensed, the operating hours, and table service of alcohol with a substantial meal.

- The Applicant confirmed that he would agree to any conditions that would make his objective for customers to enjoy a meal in safety and comfort work. If alcohol could only be served indoors, this may be a problem.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was **rejected**.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **rejected**.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

Option 4: Reject the application. This option was **approved**.

Resolved:

That the application for a premises licence for St George Hotel, 6 St George Place, York YO24 1DR be rejected.

Reasons:

(i) The Sub-Committee noted that no representation had been received from the Police, having agreed additional conditions with the Applicant prior to the hearing. The Sub-Committee further noted the submissions from Mr Charalambides, that he had invited the Police to attend the hearing, but they had been unable to do so due to other diary commitments.

(ii) The Sub-Committee considered the evidence of the Applicant, in particular the additional information he provided about his proposed business, and operating hours, and noted that he accepted that his application had not been adequate that there were no complaints linked to the current business, and he had submitted further information in support of his application. However the Sub-Committee were concerned that it remained unclear how / where the Applicant intended elements of his new business to be conducted / operate on the premises, the plans submitted by the Applicant were not sufficiently clear, the business model was not sufficiently developed, the requirements / impact of planning consent on his intended business model was not known, the Applicant had prepared insufficient risk assessments, there was no certainty about how the glass pods would be used, e.g. would the occupants be enclosed at all times or would windows / doors remain open, and no professional noise assessment had taken place. All of which reflected to the Sub-Committee that the application was ill-prepared, and lacking in detail, such that they did not have confidence that the Licensing Objectives would be upheld.

*I have invited the Environmental Health Officer to assess and explain the reason for refusing a service to members of the public but he has declined*

*in this case, there is no proposed sound or sight evidence!*

(iii) The Sub-Committee considered the evidence of the Public Protection officer carried great weight, in particular the lack of professional sound tests, insufficient risk assessments and preparation conducted by the Applicant, such that he was not satisfied

that any achievable conditions could be attached to the licence to satisfy his concerns. The Sub-Committee noted that in his summary to them Mr Golightly stated he had greater concerns about the application after hearing the evidence during the hearing.

(iv) The Sub-Committee considered that the evidence of both Mr Charalambides on behalf of a number of local residents, and Mr Bryce himself a local resident. They noted that the Premises is located in an entirely residential area of the city, specifically in a cul-de-sac, within a conservation area. That there is no similar licensed premises in the city. They also noted the evidence that complaints were not always made to the Police by local residents, and noise complaints had been received in other areas close to the Applicant's premises linked to groups gathering outdoors in smaller numbers to those expected by the Applicant in the premises garden area. The Sub-Committee noted that the Applicant had not conducted any meaningful engagement with the local residents or ward councillors prior to submitting his application.

*review the objectives and sound and sight evidence*

Cliff A Mason, Chair  
[The meeting started at 10:10 am and finished at 2:50 pm].

## Contents

A practical guide to making representations to a licensing authority

Public Health England

### Contents

1. Awareness of the tests involved
2. Effective representations and relevant evidence
3. Partnership and engagement
4. Monitoring and review

This guidance forms part of the resources in [Alcohol licensing: a guide for public health teams \(https://www.gov.uk/guidance/alcohol-licensing-a-guide-for-public-health-teams\)](https://www.gov.uk/guidance/alcohol-licensing-a-guide-for-public-health-teams) and is best read alongside the rest of the resources to give added context and guidance.

This is a guide to help all responsible authorities (RAs) to:

- identify the applications that may have a negative impact on the promotion of the licensing objectives
- apply a stepped approach to making a representation

This is not just about refusing licenses, but also how conditions put on the licence can help applicants to promote the licensing objectives and ensure their premises are well run.

Some of the points below may be more relevant to specific RAs, but you should consider all the points in this document.

RAs should apply this within the context of their local area. Each RA will have different priorities, and understanding these priorities provides a useful framework for determining whether to make relevant representations.

For more information on the role of RAs see chapter 9 (determining applications) of the latest [section 182 of the Licensing Act 2003 guidance \(https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003\)](https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003).

## 1. Awareness of the tests involved

The licensing regime has a clear focus on promoting the 4 statutory licensing objectives, which the Licensing Act outlines as:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Each new application, or variation of an existing licence or club premises certificate, must assess the likely effects that granting the application will have on the promotion of the licensing objectives. This is a 'prospective consideration'<sup>[[footnote 1](#)]</sup>, which aims to prevent adverse consequences from operating the premises. You should make the consideration based on the likely impact on the licensing objectives. This test should also apply if you're reviewing an existing licence or club premises certificate.

Not every application will need a response from every RA. Instead, RAs should identify the types of applications that could cause problems and undermine the promotion of the licensing objectives and apply this information accordingly. In each case, you should consider the relevance to and likely effects on the licensing



objectives of the particular premises in the particular location, being used in the particular way. You must consider each application on its own merit.

## 2. Effective representations and relevant evidence

All RAs can be involved in the application, and they will probably approach it from their specific point of view. For example, the police are likely to focus on crime and disorder. But all RAs can object on the grounds of any of the 4 licensing objectives, and public health teams should consider this when reviewing this information.

The following guide is a practical approach to evidence and representations to help all parties participate effectively in the process.

### 2.1 Premises

Where known, set out the proposed or actual operation of the premises. The 'operation' of a premises is wider than the licensable activities. For example, licensable activities operating in a restaurant differ to those operating from a small off-licence or late-night club.

The size and capacity of the premises will also have an impact on the surrounding environment.

Consider the effects and impact of this on the licensing objectives by asking:

- what are they going to be doing?
- is there a refusals book?
- what is the premises' capacity and how will it be managed?
- what is the history of the premises' operation before the application was made?
- what is the likely customer base and audience profile?

Consider whether the premises have a responsible approach towards alcohol sales, for example:

- do they have adequate staff training?
- do they have a robust age verification policy in place, such as Challenge 21 (<https://beera.ndpub.com/campaigns/challenge-21/>)?
- are they planning irresponsible price promotions?
- do they have suitable entry policies if it's an on-licensed premises?

All the questions should try to find out how, and in what way, the premises will operate.

The nature and scope of the operation are crucial to assessing:

- the likely effects

- the actual effects
- the relevance to the licensing objectives

Remember that the operation can change during each day, week, month and year. If you do not know the operation or it's unclear, say so and reserve your position so you can comment once the operation and use of the premises is clear to you. You must do this within the consultation period.

## 2.2 People

The people owning or running the premises are ultimately responsible for adhering to the licensing conditions and promoting licensing objectives.

Do you know the people who make the decisions that matter and control the premises and the staff? This could include:

- managers
- the designated premises supervisor
- other staff
- independent contractors (like [Security Industry Authority](https://www.sia.homeoffice.gov.uk/Pages/home.aspx) [staff](https://www.sia.homeoffice.gov.uk/Pages/home.aspx))

Unless the application is for a new licence, the police are the only authority able to object to a change of designated premises supervisor (DPS), and only if they believe the change would undermine the prevention of crime objective.

In most cases, it's not possible to know all the various people and staff who will be responsible for the day-to-day running of the premises, as the only named requirements are the premises' licence holder and the DPS.

Are the various people and staff involved able to meet their commitments? If you have confidence in them, say so. If not, say so and explain why not. If you do not know, say so and reserve your position, so you can comment once the control, management, and staff of the premises are clear to you.

Also, consider how the applicant could demonstrate they can meet their commitments, and what sort of measures or conditions, like training, they could put in place to help them meet their commitments.

## 2.3 Physical characteristics of the premises

The physical characteristics of the premises can affect how they stick to the licensing conditions and the promotion of the licensing objectives.

If you have the opportunity, go and visit the premises, if only from the outside. Describe what you see. For example, a nightclub in a single-glazed listed building might be noisy and disturb neighbouring homes or flats. Premises with an outdoor space for eating, drinking or smoking will have an impact on things such as noise or litter. Visit and say what you see.

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While visiting the premises, look at the local area and note what else is in the area. What other premises, facilities or features are near the premises? Briefly describe the surrounding area. Provide a plan if it helps. For example:

- what are the neighbouring premises?
- are there any premises, locations or uses that concern you?
- what are the transport facilities, open spaces, places where children might congregate, other entertainment facilities or known crime location hot spots?
- what are the operating times of nearby premises relative to the premises involved in the application?

Focus on what the issue is, and why it's an issue. If you identify concerns about the application, can you recommend appropriate changes to the premises that would help improve or reduce issues to the promotion of the licensing objectives?

## 2.4 Policies and local initiatives

It is crucial that you reference any relevant policy considerations, either from section 182 guidance or the local statement of licensing policy. You can also consider including relevant case law

(<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>).

Is there a cumulative impact policy in place in that area? If yes, questions to consider include:

- what impact will the premises have and is it a similar application to what's already operating in the area?
- could this impact on the licensing objectives?
- does it offer an alternative to what already exists and help to diversify the area?

Are you aware of any local initiatives that are happening in the area? For example, policing and licensing initiatives (such as Reducing the strength campaign

(<https://www.local.gov.uk/sites/default/files/documents/reducing-strength-guidanc-795.pdf>)

and Pubwatch (<http://www.nationalpubwatch.org.uk/>), voluntary initiatives (such as Street Pastors (<https://www.streetpastors.org/>)) or better regulation schemes (such as Business Improvement Districts (<https://www.gov.uk/guidance/business-improvement-districts>), Best Bar None (<http://bbnuk.com/>) or Purple Flag (<https://www.atcm.org/purple-flag>)).

## 2.5 Local concerns

What are the local concerns? Data might help show these concerns, which could include:

- crime statistics
- local authority complaints data (like licensing or noise nuisance complaints)
- enforcement action taken by the RA, including test purchase results

- concerns from the local anti-social behaviour teams, or community drug and alcohol teams
- data on ambulance call-outs
- alcohol and late-night-related hospital admissions
- deprivation data, particularly those linked to licensable activities such as child and young person alcohol use, street drinkers or proliferation of off-sales in areas of deprivation
- data collected by primary research such as concerns or views of the residents and business communities

Remember to only consider data and concerns that are local and relevant to the premises. You will rarely find child protection or alcohol consumption data useful when considering a restaurant, but you might find the data valuable for a convenience store near to a school, youth centre or sports field.

Data and concerns should be relevant to the promotion of the licensing objectives and preferably recent. You should not reference the data and concerns if the premises were closed at the time, or the premises were used as a landmark location to report incidents that occurred nearby. However, if it is a new application it may be appropriate to reference the data and concerns in an area close by if they are happening around the times the premises wish to operate.

## 2.6 Operating schedule

You should consider the proposed or existing operating schedule and management style of the premises.

Applicants must be clear in their operating schedules about the activities and times at which events would take place at the premises.

An applicant should consider what could have a negative effect on the licensing objectives and address these in the operating schedule. Chapter 8 of the [section 182 guidance \(https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003\)](https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003) outlines what an applicant should consider in their operating schedule.

Licensed premises often operate in difficult circumstances, and the licensing regime seeks to promote good and best practice to premises operators and RAs. The aim is not to prevent negative effects, but to regulate and respond to these in the best way to minimise them.

If you can balance the various factors and reach a conclusion about the likely effects or their relevance to the licensing objectives, do not be afraid to say so.

If you have concerns, can you address these with the operating schedule or further practical conditions that are in the direct capability of the premises? If further conditions are appropriate, you should say so.

You could suggest other appropriate conditions, that follow the guidelines in chapter 10 of the section 182 guidance (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>), and your licensing authority may have model conditions that you can change to fit the circumstances of the premises you are considering.

## 2.7 A balancing exercise

A decision to license a premises is a balancing exercise between equally valid but conflicting interests.

Following the above steps will help you identify the relevant factors to consider. As an RA, you are an expert in your field. What is your assessment of the balance? Make this assessment, let the licensing sub-committee know and do not be afraid to have an opinion. You should also be open to amending your opinion following discussion at the committee.

If there is not enough information for you to form an opinion, highlight your concerns and reserve your opinion until you have answers. The premises operator should mostly provide these answers.

## 3. Partnership and engagement

Depending on the nature of the application and local circumstances, it might be appropriate to talk to the applicant directly. A premises operator can also contact the RAs to further explain their position. If you need further clarification, ask for this information in your representation.

During the consultation phase, you can discuss any concerns with other RAs. They may have information that could help.

## 4. Monitoring and review

Once the committee has granted an application, you should work with other RAs to monitor the impact of the licence. If problems develop, RAs should work together under an agreed enforcement protocol or policy. This can lead, among other measures, to an application for a licence review or a prosecution, and equally, keep evidence of good and successful operations to help support further licence applications.

---

1. See R (on the application of East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant & Takeaway) (<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law#east-lindsey-district-council-v-abu-hanif>) [2016] EWHC 1265 (Admin), para [18].

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CITY OF  
**YORK**  
COUNCIL

Directorate of Place  
West Offices  
Station Rise  
York  
YO1 6GA

Tel: 01904 551553

Pippa Allen  
1 St Pauls Square  
York  
YO24 4BD

Ext: 01904 553982  
Email: [Caroline.Osborne@york.gov.uk](mailto:Caroline.Osborne@york.gov.uk)  
Our Ref: 23/00252/LBUILH  
Date: 5 April 2023

Dear Pippa Allen

**Nature of Query:** Unauthorised work to Listed Building  
**Location:** Holgate Bridge Hotel 106 - 108 Holgate Road York  
YO24 4BB

Your query about an alleged breach of planning control was received on 31 March 2023.

The Council's planning enforcement team will make an initial investigation of your complaint and provide an update within 1 month. However we are currently experiencing high volumes of enforcement complaints and it may take longer than usual to investigate your complaint. We will advise you of any significant action or developments relating to the case, or if the case is finalised or closed. We will provide an update every 3 months.

Details of how the team prioritise complaints can be found on the Council's website via the link below

<https://www.york.gov.uk/planning-advice-guidance/planningenforcement/1>

Please note that if the Council decides there is a case to be pursued, an enforcement investigation can often involve a lengthy formal process before it is satisfactorily resolved.

If you have any queries or would like to provide further evidence or information please contact the team on the email address provided quoting the above reference number. Although the team will not acknowledge or respond to further contact with evidence and information this will be included as part of their investigation so please do not worry if you do not hear from us immediately, we will continue to update you every 3 months.

Yours sincerely

**Mrs Caroline Osborne**  
**Enforcement Officer**



071913	Charlotte Tyssen	Personal Licence	24/01/2023	Granted	accordance with the legislation
071919	Peng Wang	Personal Licence	20/01/2023	Granted	Granted in accordance with the legislation
071876	Aaron Bartely Yeates	Personal Licence	13/01/2023	Granted	Granted in accordance with the legislation
071882	Daisy Dyrdal-Mortimer	Personal Licence	12/01/2023	Granted	Granted in accordance with the legislation
232266	Ian Smith	Charitable Street Collection	11/01/2023	Granted	Granted in accordance with the legislation
232251	Ian Smith	Charitable Street	10/01/2023	Granted	Granted in



1 St Paul's Square  
YORK  
YO24 4BD

By hand to City of York Council Licensing Services

3 March 2023

Dear Sir/Madam

*Representation regarding objection to Licence application by Holgate Bridge LTD, 106-108 Holgate Road, York, YO24 4BB*

THIS REPRESENTATION RELATES TO the above licence application and objection to the Proposed Licensable Activities as set out in the display notice displayed on the external perimeter of the premises next to Holgate Road and as set out in the City of York Council Licensing Applications Register dated 28 February 2023.

The contents of my Representation emailed 3 March 2023 are incorporated herein by reference, and all comments therein are herewith relevant to and made in relation to objection to the Proposed Licensable Activities.

For the avoidance of doubt I object to:

Provision of regulated entertainment Mon – Sun 08:00 – 23:00:

Plays

Indoor sporting events

Live music

Performance of dance

Films

Boxing or wrestling

Recorded music – (typographical error)

Provision of late night refreshment Mon – Sun 00:00 – 24:00

Sale by retail of alcohol Mon – Sun 00:00 – 24:00

Supply of Alcohol (on and off the premises) Monday – Sunday 00:00 – 24:00

I object to the provision of any and all of these activities held outdoors, being outside the confines of the brick construction of the premises. Moreover I object to any and all of these activities held indoors, being inside the confines of the brick construction of the premises. Any such provision will cause disturbance, notably noise and light pollution, projected throughout the neighbourhood, and most notably to adjacent properties in both winter and significantly in summer months. Many residents work from home permanently or on set days in the week, as has become the norm since the start of the COVID pandemic. Daytime noise of daytime and late night refreshment custom, plays, dance and films, live and recorded music and sporting events any events including audience participation, applause etc will inconvenience employed and self-employed home-workers and may negatively impact their work and their job, case in point being myself.

Evening and night time noise resulting from any outdoor performance of these proposed entertainments will be damaging to the health of residents and will cause a statutory nuisance, interfering significantly with the right of residents to enjoy our own homes.

Evening and night time noise pollution and light pollution resulting from any outdoor performance of these proposed entertainments will be damaging to my health and will cause a statutory nuisance, interfering significantly with my right to enjoy my own home.

Moreover the Proposed Licensable Activities contravene City of York Council policies, notably the Noise Pollution policy, clean-air policy and the Light pollution policy. These extend to noise and light of the activity itself and noise, fumes and light of any vehicle traffic to and from the premises, including taxis, and noise of pedestrian traffic to and from the property. Notably the 36 cover garden area should be limited to residents only and curtailed as excessive for the provided parking, and as a further source of noise and light pollution. Government initiatives in 2020 to support outdoor dining were intended to make it safer for clientele

of indoor premises, and not specifically to create new dining opportunities where there were none and their creation is inappropriate and creates safety issues such as parking.

In recent summers we have experienced a party of some 10 or so from the York Races staying a weekend at the Hostel on the corner of Holgate Road and St Pauls Square, with partying outdoors until 10pm at night which caused extreme distress to residents all around St Pauls Square and generated multiple complaints. Even the innocuous taking of a regular evening drink by a group of 4 long term residents of the Holmwood House annex last summer on the pavement of Watson Terrace and directly opposite our front door and living and sleeping areas created a noise disturbance in the midst of the supreme quietness of the neighbourhood, which penetrated our existence for months, delightful and well intentioned as this group was.

The St Pauls Square community has established a Committee and community which tends and cares for and maintains the central garden and streets, and the maintenance of the properties within the Grade II listing status. To permit the establishment of what is effectively a night club in the midst of this Grade II listed neighbourhood is contrary in the extreme to the purpose of the Grade II listing.

Should the Licensing Services approve these Proposed Licensable Activities even in part, they will place the burden on the community and the residents of the neighbourhood of St Pauls, and most notably on myself as the closest residential owner-occupied resident to the premises, to take action in the event of disturbance. Even the act of taking action is distressing and contributes to damage to health, and causes a statutory nuisance, whether or not the disturbance is halted.

Moreover the Proposed Licensable Activities contravene City of York Council social housing practice, specifically the practice of locating social housing in quiet, clean, safe and trouble-free areas. As a result of much research, social housing is located away from city centre locations and from hazards which residents may not be able to manage such as 24 hour supply of alcohol and entertainment and events which could lead to disputes between members of the public, which has been shown to create an unsettling environment for the vulnerable.

This area has been established as a very successful location for social housing coexisting in great harmony with the owner-occupied and privately tenanted housing.

To permit or impose the proposed licensable activities to proceed in the community would be a gross error of judgement and lead to damage to health and livelihood of residents, a change in the owner-occupied resident profile and risk a reversion to the neglect, crime, alcohol and drug-abuse and prostitution of the late 1900's, and destruction of vulnerable lives of those who have so successfully benefited from social housing enterprises in this area.

Moreover the premises has private parking for only 10 – 13 vehicles. Whilst this may be satisfactory and sufficient for the number of guests that can be accommodated in the rooms in the premises, allowance must be made for staff parking for a 24 hour business servicing up to 22 resident guests and 66 covers in its dining room for up to 18, a 12-cover basement bar and room for 36 people in a garden area. For these purposes the available parking is not satisfactory and is insufficient for any additional visitors who may come for purpose of regulated entertainment or for sale or supply of alcohol or late night refreshment. Indeed it is already at times insufficient for the staff and guests alone.

Watson Terrace is an exclusively double yellow or "School Keep Clear" zone with the exception of the single yellow (8am to 6pm Mon-Sat) zone next to the St Pauls Square central garden. Should the Licensing Services approve these Proposed Licensable Activities even in part, they will place the burden on the community and the residents of the neighbourhood of St Pauls including myself to report unauthorised and/or hazardous parking and idling in the Residents permit zone, on the double yellow and single yellow zone, the school keep clear and clean-air zones. Moreover such extra traffic will raise the air pollution levels which are monitored. Specifically taxi waiting necessitated by the Proposed Licensable Activities will contravene the City of York Council anti-idling campaign. Moreover the single yellow section of Watson Terrace is to the opposite side of my house to the Holgate Bridge Hotel, and any parking on the single yellow zone late at night will create a disturbance of individuals passing directly beneath our bedrooms and of traffic driving past. This will cause damage to the health of my household and will cause a statutory nuisance, interfering significantly with our right to enjoy our own home late at night.

Moreover the applicant for the Licence, Mr Nick Bradley, who has recently purchased the Hotel which has been a quiet and successful business for many years, has put out press releases to the effect that "To be able to create something new for York is an opportunity that I haven't taken lightly. My team and I have thought really carefully about how we can be the space for the local residents to enjoy, just as much as the holiday makers. We're designing something warm, welcoming, exciting; the heart of Holgate." (The Caterer.com) and "The applicant adds: "We seek to service only hotel guests and the local community." (The York Press).

We request that the applicant undertakes to service only hotel guests and local residents and not to attract or service people from outside the communities of Holgate and St Pauls. Offering a 24 hour alcohol licence on and off the premises and for non-residents of the hotel, which is one or very few if any of such 24 hour licences in the City of York, is tantamount to inviting the whole of the City of York to "the heart of Holgate" and the creation of a nightclub and hub for crime and antisocial behaviour. I do not wish to invite the City of York into our quiet safe community. My daughter becomes distressed any time an emergency vehicle or police patrol enters Watson Terrace, and fearfully insists every night on checking that doors and windows are safely locked. She becomes distressed at the sound of any passers-by late at night and is unable to sleep if there is any incident or escalation of noise in the street. This is not at all unusual to many children and adults as a direct result of COVID. To introduce these proposed licensable activities risks driving my daughter to greater and health-threatening anxiety and driving us from our home.

The applicant is suggesting that he is providing these Licensable Activities for the benefit of the local community. However the very suggestion that the local community, as described in detail in my Representation emailed on 3 March 2023, will wish to visit the Hotel between the hours of 23:00 and 08:00 is absurd, misinformed and insulting. We do not need 24 hour alcohol. This is not a student area, and it is not even the more salubrious Bootham.

The premises is located directly opposite the St Pauls Church of England Primary School and the proposed activities are totally inconsistent with that location, both endangering the safety of children and subjecting them to inappropriate activities! As shown in the photographs, the main pupils entrance is directly opposite the premises next to Watson Terrace, pupils gather and wait here and the licence application creates a risk that members of the outside community might loiter and be presented with opportunities to interfere with pupils. The Licensing services should ensure that the School has been informed and given an opportunity to risk assess the Proposed Licensable Activities, and ensure that no harm can come to the pupils.

We have chosen to live here and not in the vicinity of the University or Bootham for the fact that the heart of our community extends to largely resident-frequented Volunteer Arms and Fox Inn and is perfectly adequate and appropriate for the need of this community.

The applicant has seriously misjudged the lifestyles and wishes of the residents of the St Pauls neighbourhood. I submit that the applicant, to satisfy a business plan for the enterprise which he has newly acquired at great expense, intends to draw in custom from the York Races, and elsewhere in York, as indicated by invitations in his LinkedIn account, specifically to his business community acquaintances, and to fellow members of the institute of Directors, to whom he has already suggested that the York meetings be held at the Hotel, and most concerningly to the night-life of the city. I feel as though he has discovered the beauty of our home and is intent on exploiting it to outsiders for his own gain and to our detriment, damage to our health and causing statutory nuisance. There will be no net benefit to York from his activities or creation of new business, rather he plans to take custom from existing York establishments many of which are already under severe strain.

The location of the ST Pauls neighbourhood means that it is largely unnoticed by those who have no reason to visit. From experience with the quiet neighbourhood of the side street Driffeld Terrace, the presence of the walk through to Acomb on Love Lane led directly to regular damage to vehicles and other crime and break ins. There is precedent for opening up quiet neighbourhoods in such a reckless and unregulated fashion.

Moreover the applicant endangers the viability of our existing Volunteer Arms and Fox Inn. I request that the Licensing Services do not further stress these, already burdened with rising costs and limited incomes of clientele.

The applicant has also in the Hotel announcement a month ago in his LinkedIn account here [\(29\) Post | Feed | LinkedIn](#) added "The next few weeks will see local residents invited in to view the hotel and meet the new team, as they prepare for the opening."

I and the community of St Pauls have not asked the applicant to create a heart for the area we call home. Moreover as the closest owner-occupied residential household, I have not received any such invitation to view the hotel and plans. The applicant has shown no interest in our household and its needs. Moreover I have not been consulted on the plans for a new heart for the neighbourhood which I call home. The applicant has shown total disregard for the wishes and concerns of myself and the residents of the immediate vicinity. The fact that he has not consulted us indicates that any future cooperation will be severely deficient.

There are 2 possible outcomes of this application. Firstly, the applicant and new owner of the Holgate Hotel will make a success of the Proposed Licensable Activities and will transform the Holgate Bridge Hotel into a busy and centre of night-life, bringing the inevitable noise, waste, crime, antisocial behaviour. This would be the destruction of this neighbourhood. This would destroy the heart of St Pauls in a desire to create a new heart for Holgate and wealth and prosperity for the applicant.

Alternatively the Proposed Licensable Activities will prove poorly researched and unsuccessful. In this knowledge the application should be refused outright rather than risk the applicant resorting to further licences and entertainments within and beyond the definition of the Proposed Licensable Activities to generate sufficient income to remain viable. For example, the Proposed Licensable Activities would encompass the establishment of a night-club. The nature of "provision of plays and films" has not been defined and would encompass adult entertainment shows and films. The applicant has already advertised a cinema to be provided on the premises.

All of this is highly incompatible with the positive influence of the adjacent St Pauls Anglican parish and church.

The applicant has also indicated that he will provide gaming stations "Overnight stays will range from £200 to £300, with options including double rooms, luxury suites and duplex family suites, with hot chocolate machines and gaming stations." (The Caterer.com). For this he will require at least the grant of a gambling premises licence for the provision of gaming machines in alcohol licensed premises. It is to be expected that the applicant will in the near future apply for such additional licence.

Whilst it is easy to assume that the applicant is well-intentioned, he should not be granted a licence which would permit activities which are not well-intentioned and have the potential to destroy lives and livelihoods.

I am a single self-employed patent attorney and together with my school age daughter we have lived here for 10 years. The night time and day time disturbance posed by the Proposed Licensable Activities will prejudice my earning, my daughter's learning and exam success and our health and safety. It risks destroying the market value of our home and limiting our options to relocate to a safer quieter neighbourhood such as our is and has been for decades.

## CONCLUSION

I object in the strongest terms to any extension of the existing licensable activities.

I object to the Proposed licensable Activities.

I request an opportunity to interview should the Licensing Services be minded to allow this application or any part of it.

I request that the applicant be required to hold a public meeting and to meet with me individually should this application be maintained and before any allowance in whole or part.

I request that the Licensing Services visit the premises and the neighbourhood, in particular the part of the premises next to Watson Terrace, and the neighbourhood of Watson Terrace and meet with me before proceeding with the applicant and before any allowance in whole or part, as it is essential to understand the sensitivity of the neighbourhood and the incompatibility of the Proposed Activities – my front door and our bedrooms are within 20 m of the premises.

I request that the Licensing Services meet with the owners of Holmwood House, who are the former owners of the premises, to understand the nature of the business as it has been for many years, before proceeding with the application for such a radical change of business and before any allowance in whole or part,

Yours faithfully







[\(29\) Post | Feed | LinkedIn](#)

[Bradley • 2ndEntrepreneurial approach to coaching, real estate, hospitality and online retail.](#)

[1mo • Edited • 1 month ago](#)

Follow

I've done a thing.

A £2m hotel is set to open in York in March.

York-based businessman Nick Bradley, who specialises in real estate and hospitality, has recently acquired Holgate Bridge Bed and Breakfast and is transforming the Grade 2 listed townhouse.

Some £2m will be spent on buying and refurbishing the property at 106-108 Holgate Road into the stylish boutique hotel, New Holgate.

It promises 11 stunning and individually designed rooms as well as dining options for both guests and local residents.

Overnight stays will range from £200 to £300, with options including Double Rooms, Luxury Suites and Duplex Family Suites with hot chocolate machines and gaming stations.

Located with private parking, in the residential area of Holgate, the hotel is within walking distance of the train station, York Racecourse and many of York's leading attractions.

Nick said: "To be able to create something new for York is an opportunity that I haven't taken lightly. My team and I have thought really carefully about how we can be the space for the local residents to enjoy, just as much as the holiday makers. We're designing something warm, welcoming, exciting; the heart of Holgate."

The interior renovation will be managed by Yorkshire-based award winning interior design practice, Studio Two – who are notable nationwide for creating distinctive environments within the hospitality and retail sectors.

Studio Two will work alongside Nick and his team to create a stylish space that maintains strong nods to the industrial history of Holgate, through the use of metals including iron beams and carefully selected artwork.

The modern hotel concept is also currently undergoing a complete rebrand by York's leading brand management agency, NIMA.

NIMA, which specialises in hospitality and luxury industries, has developed the "New Holgate" brand and communications and will support the team with the launch of

the new concept this March.

The next few weeks will see local residents invited in to view the hotel and meet the new team, as they prepare for the opening.

[#hotel](#) [#newholgate](#) [Philip Bolson](#) [Eric Reynolds](#) [Zoe Wheatley](#) [Mark Berwick](#) [Nicky Hayer](#) [Laurence Beardmore](#) [Caroline Pullich](#) [FloD](#) [Ian Garner](#) [FloD](#) [FCMI](#) [Helena Drake](#) [Ellis Hall](#) [Nick Green](#) [Dr. Paul Stanley](#) [FRSA](#) [FloD](#) [AFRIN](#) [Tony Webster - MSc](#) [Sports Director](#) [FloD](#) [Greg Barton](#) [Angela Brown](#) [Beata Olah](#)

Holgate Bridge Hotel – Agreements made during consultation

**All forms of regulated entertainment have been removed from the licence application, any sale of alcohol or provision of late-night refreshment has now been limited to residents of the hotel only (and their bona fide guests). Opening hours have reduced to 08:00 - midnight each day.**

**The following conditions have been agreed with the police and the Environmental Health Officer.**

1. The premises shall operate predominantly as a Hotel / Guest House
2. An incident log (whether kept in written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or the local authority.

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

3. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises, it will include all areas (including outside areas), where the public have access to consume alcohol.
  - Copies of recordings will display the correct date and time.
  - The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days consecutive footage.
  - North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
  - It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
4. The premises shall operate the Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
5. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- operation of the CCTV system (including the downloading of evidence);
- retail sale of alcohol;
- age verification policy;
- conditions attached to the Premises Licence;
- permitted licensable activities;
- the licensing objectives; and
- opening times for the venue.

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

6. All off sales of alcohol shall be in sealed containers
7. No drinks or drinking glasses shall be taken out of the licensed premises or licensed area as per the premises plan, onto the pavement or highway.
8. The sale of alcohol between 08:00 – 10:00 hours, daily will be ancillary to food.
9. The use of the outside area will be restricted to between 08:00 hours and 22:00 hours every day except for the provision of smoking.
10. Guests and non-residents are encouraged by staff to leave the premises quietly

*1 enter highlighted comments into the procedure*

Meeting Licensing/Gambling Hearing  
Date 1 February 2021  
Present Councillors Mason, Melly and Norman

**34. Chair**

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

**35. Introductions**

The Chair introduced those participating in the hearing: Members of the Sub-Committee, the Applicant, the Barrister representing local residents and his witness, the resident representing himself, the Public Protection officer, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser to the Sub-Committee, the Democratic Services officer, and the Litigation Solicitor who was shadowing the Legal Adviser.

**36. Declarations of Interest**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared.

**37. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

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

Members considered an application by Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York YO24 1DR.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this hearing:

- The Prevention of Public Nuisance
- The Protection of Children from Harm

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The papers before it.
3. The additional plans submitted by Mr Bryce before the hearing.

4. The Licensing Manager's report and her comments at the hearing. The Licensing Manager outlined the report and the annexes, noting that the premises were not located in the Cumulative Impact Area and that consultation had been carried out correctly. She highlighted the additional conditions agreed with North Yorkshire Police in Annex 3 and the objections of Public Protection in Annex 4, confirming that the Police did not oppose the application. She acknowledged the additional information published in the Agenda supplement and the plans submitted by Mr Bryce. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to questions from Counsel for the residents, the Licensing Manager confirmed that the Applicant had a personal licence. She said she had no knowledge of the premises prior to the application and agreed that details of

operating hours for service of alcohol were not provided in the Applicant's plan at page 33 of the papers. In response to questions from Mr Bryce, she confirmed that it was not a requirement for licensed premises to have a bar, and that the application was for a licence to cover both the garden and the whole hotel.

5. The representations made at the hearing by yourself (henceforth referred to as the Applicant).

The Applicant stated that his intention was not to open a beer garden or bar available to the general public. His application was a direct response to the problems caused by Covid-19, in particular the need to provide safe spaces to meet and eat. The main objective was to enhance the service provided to guests of the hotel, and extend it to local residents and anyone else who wanted a safe dining experience. He also wanted to help his business survive and to protect jobs. He regretted that, due to shielding, he had been unable to hold meetings with local residents and respond to their concerns in person. However, he had been available on the phone and the only resident who had contacted him was in favour of the proposals.

The Applicant further stated that the glass pods he intended to install had a maximum capacity of six people. They were self-contained, weather-proof and made of high-quality materials. They would be available to pre-booked diners only, and alcohol would be served with a meal. Bookings would not be accepted from stag and hen parties and never had been. Neither would bookings be taken from parties of more than six people. Only hotel guests and pre-booked diners would be admitted to the garden. Racegoers would not be excluded from booking to dine. Off sales were included in the application to enable diners to purchase a bottle of wine to take away with them.

*no covid rules proposed!*  
*similar - not possible*  
*Sp. alcohols*

*similar*

*no such contribution to alcohol to diners to meet*

*no CCTV shown on website include plans*

*no satisfactory parking policy*

*considered not suitable for use - His to open 24hrs by analogy even more restricted hours not acceptable*

construction of concrete platforms on that basis. Having later been informed that the platforms did require consent, he had since submitted a planning application.

With reference to the operating schedule, the Applicant said he did not anticipate any increase in alcohol-induced anti-social behaviour or crime, since alcohol would be sold only to customers eating on the premises. There would be two fully-trained members of staff on site at all times and he would be happy to meet regularly with ward members and residents to ensure that their experience (of the operation) was a positive one. He took fire safety very seriously and would comply with all requirements in respect of fire exit markings and appliances. The 'fire pit' would be purely decorative, consisting of a raised steel bowl 2m wide, containing a burner occupying less than half that diameter. In respect of safe service of alcohol, he would comply fully with all police requirements and had consulted a professional adviser with regard to CCTV. All staff were trained in the Licensing Act objectives and would apply an age verification policy and keep the required records. Alcohol would not be sold late at night and customers would be reminded, in correspondence and by notices at the premises, to respect the residential area. Out of hours security was provided by a night manager who lived less than 10 minutes from the premises and received alerts from the on-site CCTV cameras. The pods were lockable, and the garden would be fenced off and locked. There were 2m high walls on two sides of the garden.

*no evidence of training of staff (other than DTG) and no previous*

The Applicant said he did not think that the development would cause significant extra traffic. There were 7 parking spaces on site for hotel guests; other customers would be directed to parking on Knavesnire Road. Neither did he anticipate any noise nuisance. He had carried out tests using decibel meters, which indicated that noise levels from the pods would be no higher than background levels. There were no facilities for playing music and the premises would not be open late at night. There would be no deliveries before 9am; refuse was collected once per month. There would be no service of takeaway food to create litter. The dining area was at the rear of the premises, and there would be no street drinking.

*these noise considerations - no tests from H.S. applicant*

Unaccompanied children were not allowed on the premises and the garden was not visible from the street.

In response to questions from the Public Protection officer, the Applicant said he had carried out the sound tests himself using an Iphone app, by playing music quite loudly in one pod and measuring the sound level from a distance of 2m. He agreed that this did not amount to scientific data or a professional assessment.

In response to questions from Counsel for the residents, the Applicant stated that:

- He also intended to serve alcohol in the dining room inside the hotel, which currently seated a maximum of 16 people, and would agree not to exceed this capacity should the application be granted.
- He did not intend to apply the 9:30 pm time limit to hotel guests dining indoors and had not anticipated other customers dining indoors with guests.
- The pizza oven would be a mobile unit and would be subject to the same operating hours as the pods.
- He and his staff would use their judgement in deciding the ratio of food to alcoholic drink to be accepted in a customer's order.
- There would be a minimum of 2 members of staff on duty and serving customers during operating hours; orders would be taken via an app. There would also be a 'restaurant manager' not involved in serving or cooking food.
- The application was not time-limited, and he intended to continue the operation post-Covid.
- The exact location of the smoking area had not been decided, but it would be in the car parking area at the back of the hotel; this area abutted the boundary fence of 4 St George's Place. It would be covered by CCTV but not subject to controlled hours, as the garden area would be closed to non-guests outside operating hours.
- He followed the risk assessment guidance, but as a non-lawyer was not familiar with the reference to Section 182.

In response to questions from Mr Bryce, the Applicant stated that the plan at page 33 of the papers was of the footprint of the hotel. He said there was no reason why he

Should be persuasive

In this case (H/S) no proposal to limit alcohol or ratio to food

Smokers to HG's outside boundary of 1-7 Watson Terrace

had not submitted a clearer plan of the basement. The room to the left of the dining room on the plan was a guest bedroom. There was no bar in the hotel, and only one dining room.

In response to questions from members of the Subcommittee, the Applicant confirmed that he would be content to remove the additional hours applied for on Christmas Eve and New Year's Eve, substituting a finish time of 9pm on Christmas Eve, and accept a condition to limit service of alcohol to table service only. He said that the menu for food service was 'evolving', but he was expecting to serve proper 3-course meals of a Mediterranean type, including pasta, salads, antipasti and desserts, not just pizza.

In response to a question from the Legal Adviser, the Applicant agreed that it would be possible for customers to play music inside the pods on their own devices.

[At this point there was discussion between the Legal Adviser and Counsel as to whether music on licensed premises before 11pm could be conditioned from the outset or only on review of the licence.]

Finally, the Licensing Manager asked the Applicant to clarify what was shown on the plan at page 33 of the papers. The Applicant confirmed that it was intended to show every floor, including the basement. The area marked 'dining room' was meant to be the on ground floor. He said the plan was a mistake, a terrible plan, and that it was not his intention to license the basement. The Licensing Manager confirmed that, since the application did not cover the basement and other plans of the ground floor had been submitted, she had no further concerns.

The representations made at the hearing by Michael Gollightly, City of York Council Public Protection.

Mr Gollightly stated that the application was for the premises to operate from 11:00 am to 11:00 pm, 7 days per week, in a quiet residential area. Each of the 8 pods could contain up to 8 people (or 6 as the Applicant now stated), and the external area could accommodate more. Although further conditions had been offered by the

not to be included

There is no limit on music in HG's outside space, this being a non-licensed activity

we are concluding that the application is offered by the applicant

Should not be persuasive. This application is 24 hours including sound barrier - 10/11am outside

Applicant, these had either not been formally agreed or were not sufficiently robust. As the application stood, there could be a bar outside. There was also some confusion around who would use the pods. Customers could include racegoers, in which case stringent conditions would be needed. The sound tests had not been carried out by a qualified technician and no details were available in respect of reverberation, background noise levels, the cumulative impact of noise from all the pods in use simultaneously, or sound insulation. The conditions agreed were insufficient to control noise from licensable activities. Public Protection therefore recommended that the application be refused on the grounds of public nuisance unless the issue of conditions could be resolved.

In response to questions from the Applicant, Mr Golightly explained that admitting racegoers to the premises would increase the risk of anti-social behaviour and noise, which meant that door staff would normally be required on race days. Taking pre-bookings and serving alcohol only with meals would help, but more precise details on the handling of bookings would be required in order to mitigate the risk.

In response to questions from Counsel for the residents, Mr Golightly said he could not think of any premises operating in a similar way in a residential area in York and confirmed that there were no other licensed premises close to the application site. He agreed that to site a smoking area beneath a child's bedroom window would be poor management, though in public protection terms this was about the noise rather than the smoke. He confirmed that disturbed sleep was relevant to public protection, but light was less of an issue because it could be controlled, e.g. by putting up curtains. He agreed that kitchen smells could be a statutory nuisance and that exposure to bad language was relevant to the protection of children from harm. He could not comment on the frequency of rubbish collection, but agreed that businesses should plan for the collection of commercial waste. He agreed that the impact of Air B&B premises in a residential area could be significant if they were not well managed, and said there had been an increase in complaints about such premises in York.

In response to questions from Mr Bryce, Mr Golightly stated that noise inside adjacent buildings was not a concern from a licensing point of view where there was no regulated entertainment or music. In preparing his representations he had only examined the external area.

In response to questions from members of the Sub-Committee, Mr Golightly stated that it might be possible to mitigate the public protection risks if the application were significantly altered. However, there was still a risk it could introduce noise into an area where noise did not currently exist. He said he had not had time to discuss conditions with the Applicant over the Christmas period. However, he had doubts as to whether the premises were suitable for this type of operation. The location of the pizza oven was a further concern, since even an external location could be a risk. He agreed that the Applicant should have submitted a planning application for a change of use before applying for a premises licence. He confirmed that no noise complaints had been received about the premises as it currently operated. However, once the whole premises was licensed, there could potentially be a bar in any of the rooms. He agreed that it would not be possible to agree conditions to mitigate the risks at this hearing.

The representations made at the hearing by Leo Charalambides, Counsel for a number of residents of St George's Place and Moorgarth Avenue.

Mr Charalambides stated that it was important to focus on what the application was for - an outdoor food and drink-led development in a hitherto darkened garden within a cul-de-sac, in an entirely residential area. With up to 48 customers in the pods and some outside them, plus staff and hotel guests, there could be a significant number of people in the area at any one time. The Public Protection officer had been unable to give an example of a similar operation in York. The Sub-Committee was being asked to authorise the use of a garden as a restaurant or bar; however, this was a planning issue. On that basis alone, the Applicant should be required to obtain planning permission before seeking a licence.



Mr Charalambides submitted that the application was not a response to Covid as stated by the Applicant, but about a long-term investment in an unauthorised restaurant / bar. The application was 'ill thought out and irresponsible' in the context of the Licensing Act guidance and the Council's statement of licensing policy. The residents had taken the time and trouble to make representations, hold meetings and instruct Counsel, and they should be listened to. Paragraph 9.38 of the guidance made it clear that the 'overall interests of the local community' were a relevant consideration, while commercial interests were not. The Applicant had failed to comply with his basic responsibilities, including the requirement to submit 'clear and legible' plans.

Mr Charalambides said he was chilled by the Applicant's response to the Sub-Committee that the menu was 'evolving', concerned that he had started building before engaging with the planning process, and shocked that the police had agreed conditions. He had asked the police to attend the hearing but they were not available. He stated that the Applicant had failed to undertake the local enquiries and risk assessments required by the Licensing Act guidance, including risks associated with the smoking area, cooking, race days, and people loitering outside the premises. The Applicant's responses to questions indicated that he had not thought this through and was unfamiliar with the guidance.

Mr Charalambides drew attention to:

- The statements of the residents, and in particular their references to break-ins at the premises;
- The issue of preserving privacy and data protection in the glass pods and how this would be addressed;
- The protection of children from harm - which harm, under paragraph 222 of the guidance, could include bad language and limiting children's enjoyment of their own gardens;
- The lack of parking facilities and information on where and how parties of diners would be organised, and potential public nuisance resulting from this.

He urged the Sub-Committee, even just on these few examples, to reject the application.

Cllr Crawshaw, Ward Member for Micklegate, was called as a witness. He confirmed that St George Place was a quiet residential street in his ward, with a small supported-living area at the top of the street and larger houses towards the bottom. There had been no complaints about noise in the area until last year, when he started to receive reports that racegoers congregating at Knavesnire Gates were causing problems. This was about 100m from the entrance to St George Place. One of the biggest problems he had to deal with as a ward councillor was the noise from small groups of 3-5 people sitting drinking on the wall at Little Knavesnire, which sounded more like 20-40 people and carried as far as Albermarle Road. There were also issues with Air B&B premises on The Mount. People would tolerate occasional noise from their neighbours but noise from commercial premises on a regular basis would often become a problem. He and his fellow ward member Cllr Kilbane had been contacted by a significant number of residents and he was disappointed that the Applicant had not contacted ward members. In his own experience with music venues, complaints usually related to the smoking and external areas. He considered that this was the wrong idea for the area and would be disastrous for St George Place and Moorgarth.

The following residents represented by Mr Charalambides were then called to comment individually:

- Mark and Helen (Representor 18) said that noise, disturbance and pollution from the premises would affect their enjoyment of their garden, their children's health and ability to sleep and also their privacy, as it was possible to see into the family's bedrooms and dining room from the pods.
- Derek (Representor 15) said that noise would be a significant issue for him and his family, as they lived close to the premises and all, including their young son, slept at the rear of the house. Their use of their own garden would also be affected.
- Rebecca (Representor 14) said that having over 40 people in the garden of the premises would have a huge impact in terms of noise, this would affect her children who were doing university work at home and was inappropriate for the area.

- Sean (Representor 11) pointed out that the premises were in a conservation area and said that the noise was bound to carry, as there was a clear line of sight down a line of domestic back gardens to the pods, and the operation would disrupt the residential character of the area.

In response to questions from the Applicant as to how he could allay residents' concerns, Mr Charalambides advised that he should start the process again from the beginning by completing the application properly, providing an operating schedule that addressed the licensing objectives and then engaging with the responsible authorities and the residents. The additional documents he had submitted were an attempt to engage retrospectively, contained inconsistencies, were unclear, and did not begin to address the concerns raised.

In response to questions from members of the Sub-Committee, Mr Charalambides acknowledged that the police had agreed the operating schedule and the Applicant had offered earlier closing times, but said it was local residents who were the experts on crime in their area. Already there had been an increase in crime and disorder, with break-ins at the premises, and drug users and anti-social behaviour in the wooded area nearby. Although there were no specific problems associated with the current bed and breakfast operation, the application was likely to exacerbate certain types of disorder in the area, including those associated with the racecourse. He called on Cllr Crawshaw to expand upon this.

Cllr Crawshaw explained that on race days up to 40,000 people attended the racecourse, resulting in a significant number of anti-social behaviour incidents. Ward members held meetings with residents at the start and end of every season and their complaints greatly exceeded the incidents officially recorded by the police. There had already been an increase in problems at the Knavesmire gates and this application would provide a further focus for anti-social behaviour, drawing it further up St George Place. Noise travelled further than most people realised.

In response to further questions from the Sub-Committee:

8.

The representations made at the hearing by Anthony Byce, a local resident.

- Mr Charalambides stated that the hearing was for members to make decisions in the interests of the local community.
- Cllr Crawshaw said he had not objected to the application because he had misunderstood that part of the Licensing process: it was a mistake on his part.

Mr Bryce supported the submissions made by Counsel for the Applicant. He added that he found it hard to believe that the basement would not be used for any purpose and stated that there was the potential to modify the premises over time and for the basement to be used by drinkers. This would increase capacity, attract more people to the premises and exacerbate the problems it would cause.

The Representatives and the Applicant were each then given the opportunity to sum up.

The Public Protection officer summed up. He said that the application had been submitted over Christmas and he had not had much time to consider it. However, nothing he had heard today had allayed his concerns about noise nuisance; in fact it had caused additional concerns. This was a highly residential area, and the premises were overlooked by gardens and dwellings. No professional sound tests had been carried out on the pods. It was not clear that any achievable conditions could be attached in order to prevent noise. He therefore advised that the application be refused on the grounds of public protection and protection of children from harm.

Counsel for the residents summed up. He said it was clear that the Applicant had not considered the nature of the location and the character of the area. The application was changing and evolving to suit the questions being asked. The Public Protection officer had said that he had extra concerns, and Paragraph 9.12 of the guidance stated that particular regard should be taken of evidence from an expert. Members were looking at a proposal to develop a bed & breakfast operation in an entirely residential area into what was effectively a stand-alone

glass restaurant and bar in a residential garden. This was simply not suitable for the area, and he urged them to reject the application.

Mr Bryce summed up. He stated that this was an ill thought-out and opportunistic plan to exploit the premises for financial gain. He said that the Applicant was not interested in its effect on the neighbourhood because he lived away from the area. Residents would suffer visual and aural detriment and loss of parking space. If granted, the application would set a dangerous precedent. The Applicant had no experience of running licensed premises, had shown a lack of involvement, had avoided submitting accurate plans with clear details, and could not be relied on to comply with conditions.

The Applicant summed up. He thanked everyone for their involvement and said he had listened carefully to the objections and taken them on board, especially the comments about noise and disruption to amenity. He stated that this was not a profit-motivated endeavour but an attempt to diversify and provide something unique to encourage people to visit and ensure the success of the guest house business. He wanted to take on new employees as well as retain current staff. He appreciated that the objections were based on a 'worst case scenario' and would be happy to curtail his opening hours, including not opening in the evenings on Sundays to Tuesdays if that would help. He would also be happy to limit the number of customers in the garden to 24. He did not think that the restaurant would draw racegoers up to St George Place, as he was not offering a bar and there was no seating in the garden area (except the pods). His purpose was to provide safe, comfortable, warm private dining areas and he would not seek to attract the type of customer who would detract from that atmosphere. He accepted that the original application had not been detailed, but said he had subsequently submitted very detailed operating principles.

The following points of clarification were provided:

- On the issue of imposing conditions on music that was not a licensable activity, as discussed earlier, the Legal Adviser and Counsel for the residents

confirmed that they had not changed their positions; however, the latter agreed that this was a grey area.

- Members agreed that they could consider conditions relating to the number of customers permitted in the garden area, the areas to be licensed, the operating hours, and table service of alcohol with a substantial meal.
- The Applicant confirmed that he would agree to any conditions that would make his objective for customers to enjoy a meal in safety and comfort work. If alcohol could only be served indoors, this may be a problem.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

- Option 1: Grant the licence in the terms applied for. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **rejected**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.
- Option 4: Reject the application. This option was **approved**.

Resolved:

That the application for a premises licence for St George Hotel, 6 St George Place, York YO24 1DR be rejected.

Reasons:

(i) The Sub-Committee noted that no representation had been received from the Police, having agreed additional conditions with the Applicant prior to the hearing. The Sub-Committee further noted the submissions from Mr Charalambides, that he had invited the Police to attend the hearing, but they had been unable to do so due to other diary commitments.

*I have invited the Environmental Health Officer to attend and explain the reason for refusing the services to neighbours but the public but he has declined*

(ii) The Sub-Committee considered the evidence of the Applicant, in particular the additional information he provided about his proposed business, and operating hours, and noted that he accepted that his application had not been adequate that there were no complaints linked to the current business, and he had submitted further information in support of his application. However the Sub-Committee were concerned that it remained unclear how / where the Applicant intended elements of his new business to be conducted / operate on the premises, the plans submitted by the Applicant were not sufficiently clear, the business model was not sufficiently developed, the requirements / impact of planning consent on his intended business model was not known, the Applicant had prepared insufficient risk assessments, there was no certainty about how the glass pods would be used, e.g. would the occupants be enclosed at all times or would windows / doors remain open, and no professional noise assessment had taken place. All of which reflected to the Sub-Committee that the application was ill-prepared, and lacking in detail, such that they did not have confidence that the Licensing Objectives would be upheld.

*in this case, there is no proposed sound or sight evidence!*

(iii) The Sub-Committee considered the evidence of the Public Protection officer carried great weight, in particular the lack of professional sound tests, insufficient risk assessments and preparation conducted by the Applicant, such that he was not satisfied

that any achievable conditions could be attached to the licence to satisfy his concerns. The Sub-Committee noted that in his summary to them Mr Gollightly stated he had greater concerns about the application after hearing the evidence during the hearing.

*I reviewed the summary and was satisfied with the evidence*

(iv) The Sub-Committee considered that the evidence of both Mr Charalambides on behalf of a number of local residents, and Mr Bryce himself a local resident. They noted that the Premises is located in an entirely residential area of the city, specifically in a cul-de-sac, within a conservation area. That there is no similar licensed premises in the city. They also noted the evidence that complaints were not always made to the Police by local residents, and noise complaints had been received in other areas close to the Applicant's premises linked to groups gathering outdoors in smaller numbers to those expected by the Applicant in the premises garden area. The Sub-Committee noted that the Applicant had not conducted any meaningful engagement with the local residents or ward councillors prior to submitting his application.

*reviewed the evidence and was satisfied*

Cllr A Mason, Chair  
[The meeting started at 10:10 am and finished at 2:50 pm].

## Pippa Allen

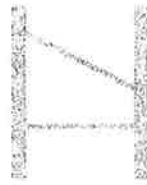
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**From:** Mr C <>  
**Sent:** 16 May 2023 16:28  
**To:** Pippa Allen  
**Subject:** Fwd: Booking Confirmation

CAUTION: This email originated from outside of the organisation using a free email account. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you are unsure please forward the email to Helpdesk to review on your behalf.

----- Forwarded message -----

**From:** New Holgate <[noreply@roomraccoon.com](mailto:noreply@roomraccoon.com)>  
**Date:** Tue, May 16, 2023 at 4:23 PM  
**Subject:** Booking Confirmation  
**To:** ·



## Thanks for your reservation!

Dear Rebecca Brown,

We look forward to welcoming you. Please see below information regarding your booking.

<b>Arrival:</b> 01/06/2023	<b>Your reservation:</b> Double Suite, Celebrate Our Opening With Us - Enjoy Sparkling Wine & Yorkshire Chocolates On Arrival!
<b>Departure:</b> 02/06/2023	
<b>Reservation:</b> #4	Sofa Bed Champagne Prosecco

Bottle of Red Wine  
Bottle of White Wine

**Total: £ 350.10**  
incl. Tax  
excl. £ 0.00 city tax

**Breakfast:**

We serve breakfast daily in our Restaurant from 8am-10am Monday - Friday and from 8am-11am on Saturday & Sunday. Please note that if you have reserved breakfast, you will be asked to select your preferred time from the time slots available on check-in.

**Cancellation:**

Should you need to cancel your reservation, please do so before 3pm at least two days prior to your arrival to avoid a cancellation charge equivalent to the full value of your scheduled stay.

**Parking:**

Parking is available at the rear of the property on Watson Terrace via Watson Street at a cost of £12.50 per car per night.

**Enhancements:**

If you would like to enhance your scheduled stay with us, you can add a range of enhancements, such as Car Parking, Champagne, a Yorkshire Breakfast and much, much more! If you would like to add any of these enhancements or discuss the full range of enhancements available, please do contact us directly to discuss your requirements.

**Things To Do:**

City Walls, Jorvik Viking Centre, Museum Gardens, National Railway Museum, St Mary's Abbey, The Priory Church of the Holy Trinity, Theatre Royal, Treasurers House, York Castle Museum, York Dungeon, York Minster, York Racecourse, York Railway Station, York Shambles, York's Chocolate Story are all within walking distance of New Holgate.

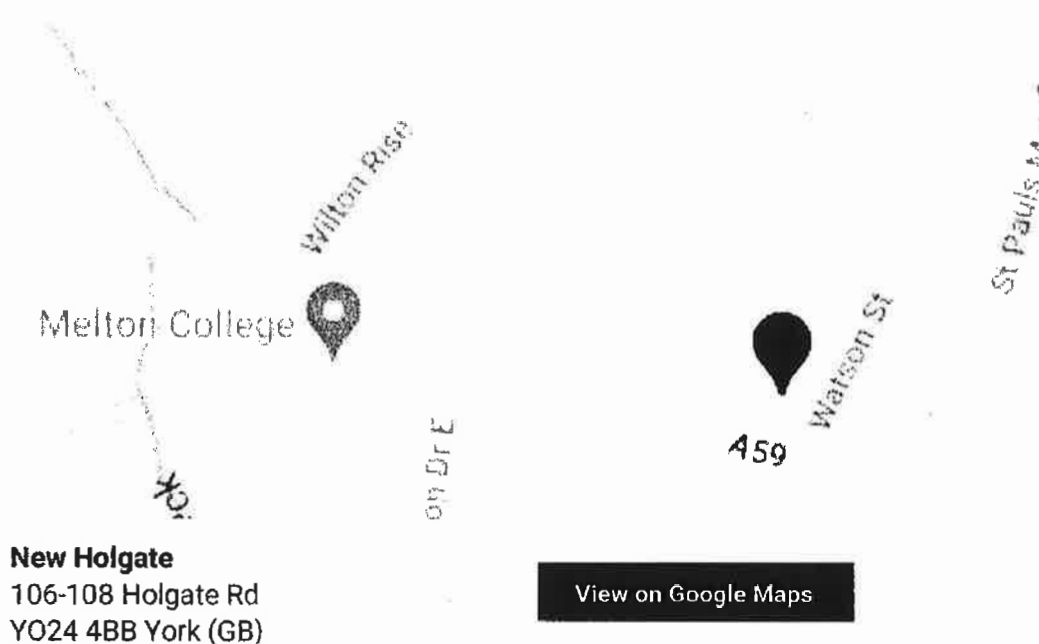
**Wi-Fi:**

Wi-Fi is available throughout New Holgate and is free to all residents and visitors.

If you have any further queries or questions in regards to your reservation at New Holgate, please do not hesitate to contact us at your earliest convenience.

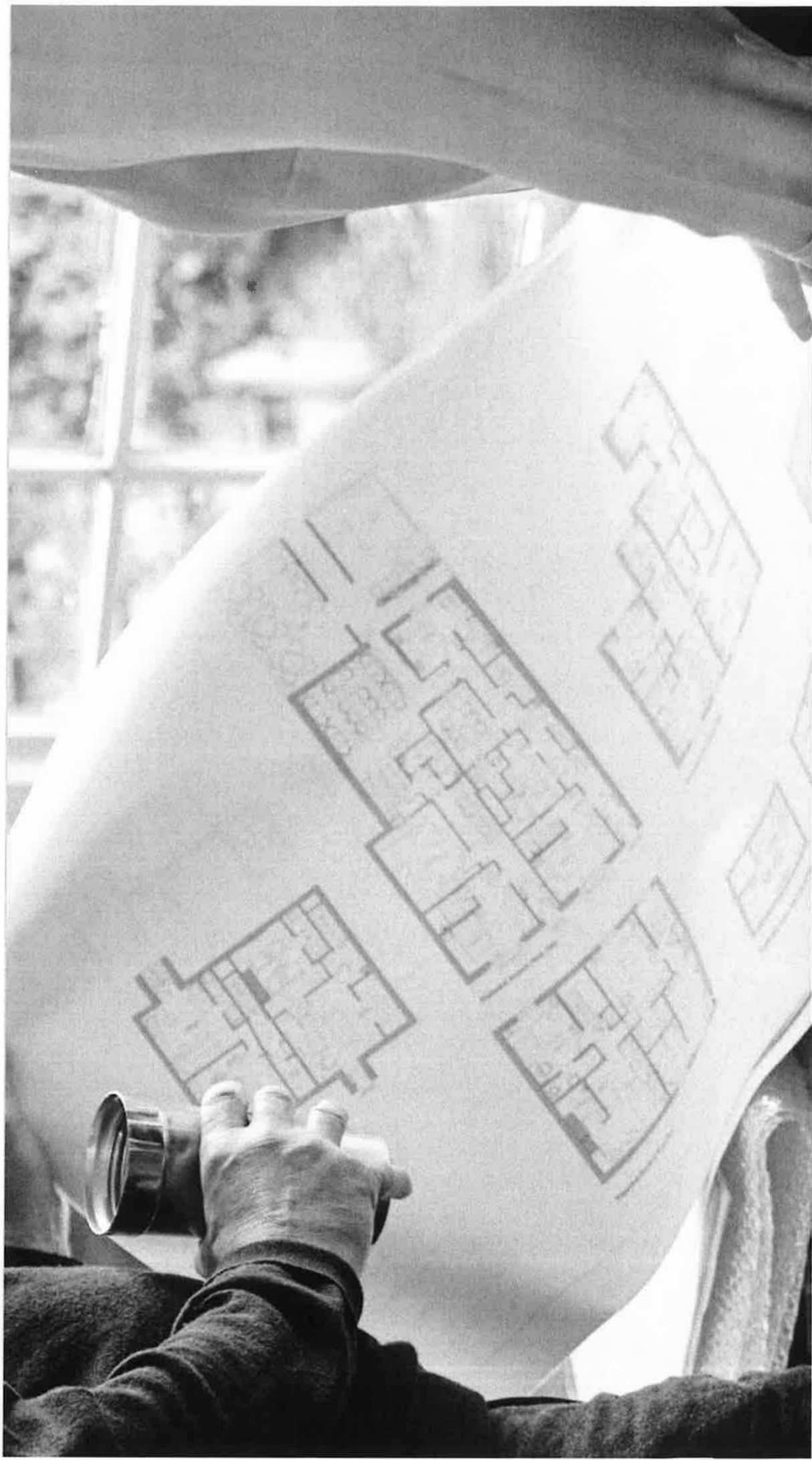
Kindest Regards,

Nick





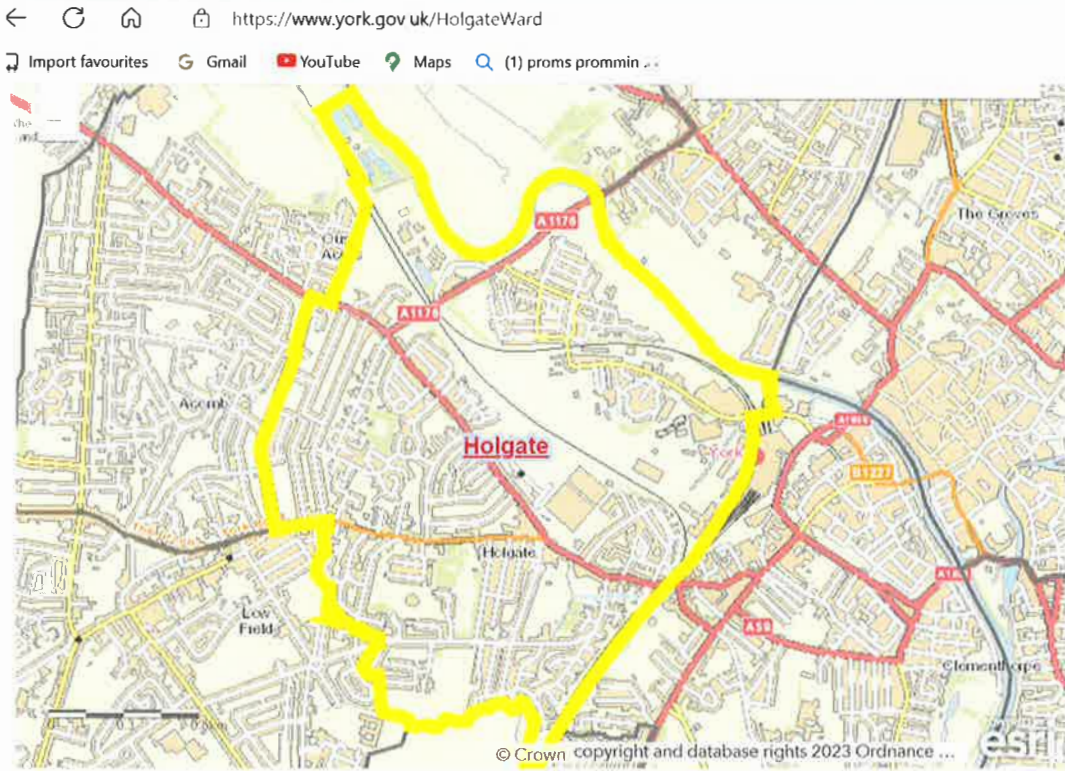




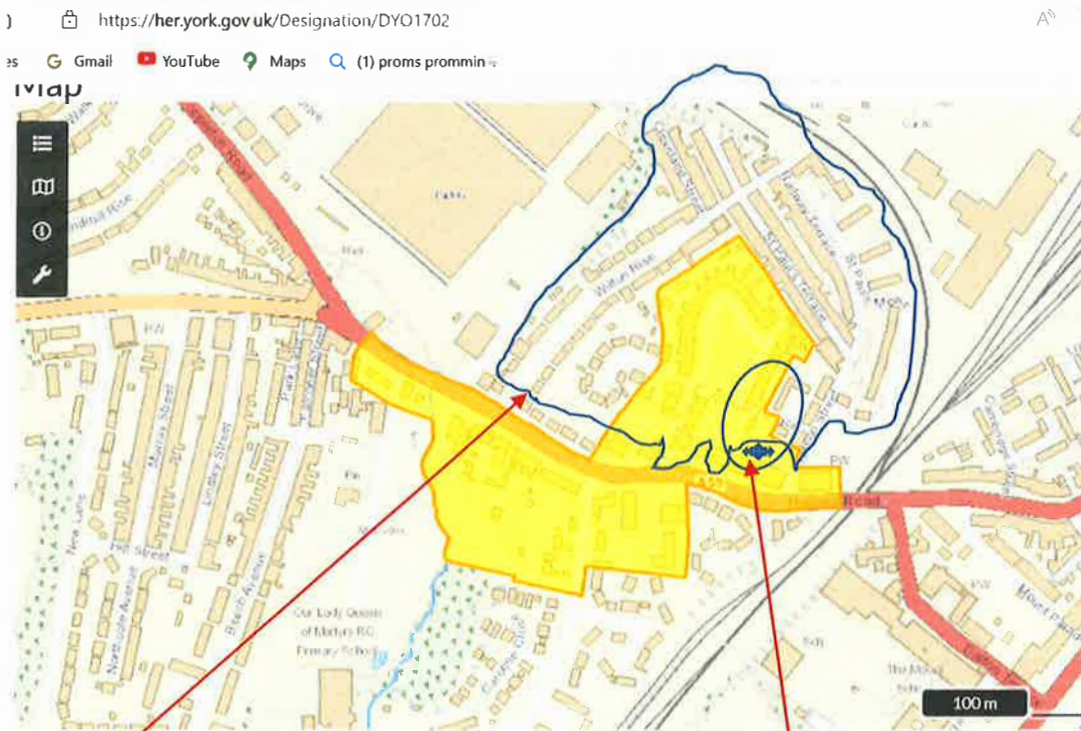


REPRESENTATION OBJECTING TO LICENCE APPLICATION IN NAME OF HOLGATE BRIDGE LIMITED

AREA MAP OF HOLGATE WARD SHOWING ST PAULS AREA




AREA MAP OF ST PAULS CONSERVATION AREA



ALL OF THIS AREA ENTIRELY AND EXCLUSIVELY RESIDENTIAL

106-108, AND COUNCIL HOUSING AND MY HOME

HOLGATE BRIDGE (106), LOCATION OF PROPOSED CUSTOMER OUTSIDE SPACE (  )AND VEHICLE ROUTES IN COUNCIL HOUSING (WATSON TERRACE 1 TO 7 AND CECELIA PLACE 1 TO 6) AT REAR

AND MY HOME (1 – DAUGHTERS BEDROOM CLOSEST TO 106, STUDY (SELF -EMPLOYED) OVERLOOKING 106) WITH SQUARE OF 40 RESIDENTIAL DWELLINGS LEADING FROM THERE RESIDENTIAL



NO DISPLAY NOTICE ON PREMISES NEXT TO WATSON TERRACE (photos date stamp 2<sup>nd</sup> March 2023); View of customer outside space to rear of parking from Cecelia Place and residents passing along Watson Terrace



COUNCIL HOUSING IN CECILIA PLACE AND ON WATSON STREET ADJACENT HOLGATE BRIDGE HOTEL





**WILDLIFE CORRIDOR ST PAULS DOCK AND GRADE II LISTED GARDENS, REGENERATED IN LATE 1900S**



ST PAULS CHURCH OF ENGLAND PRIMARY SCHOOL AND CLEAN-AIR ZONE



School pupils entrance directly opposite Holgate Bridge Hotel



School keep clear zone and double yellow zone on Watson Terrace and Pupils entrance sign on junction with St Pauls Square



OWNER-OCCUPIED AND PRIVATE TENANTED RESIDENTIAL HOUSING

St Pauls Square, Enfield Crescent, St Pauls Mews and Watson Street leading to St Pauls Terrace, Railway Terrace , Wilton Rise, and Cleveland Street



RECENTLY REFURBISHED VOLUNTEER ARMS AND ST PAULS CHURCH OF ENGLAND PARISH WITH THRIVING YOUNG FAMILY CONGREGATION AND SERVICES





City of York, Licensing Services  
Hazel Court Eco Depot, James Street YO10 3DS  
By email / hand to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

YO24 4BD  
15 May 2023

Licensing application for Holgate Bridge, objections close 16<sup>th</sup> May

We object to the Holgate Bridge application for an alcohol licence. We object to any hours of licensing to hotel residents, bona fide guests and to members of the public.

We object to Holgate Bridge staying open 24 hours a day. We object to any opening hours after 9pm.

We are concerned that licensing of any duration will cause a **public nuisance and present a risk of harm to children** by changing the profile of residents staying at Holgate Bridge to that previously.

Licensing to members of the public will attract members of the public of a different profile to those visit the neighbourhood currently. Specifically this will attract to the premises, people who see drinking as a significant part of their reason for visiting the premises. In our experience those who are not motivated to drink will choose to stay at a Hotel or visit a café which does not offer alcohol, so as not to be troubled by others who choose to make their entertainment in the premises during the day and evening and night or who are likely to overindulge in alcohol.

We are concerned about the introduction of a clientele who will cause problems including use of bad language, inappropriate behaviour, loitering, trespassing and damage to property, littering and vomiting on the pavement or simply partying including excessive noise levels.

The profile of clientele of the B&B up to know have come for overnight accommodation whilst working locally as long term or short term contractors, or whilst visiting York or family and friends in the area. Other than breakfast, the day would be spent away from the premises, returning to sleep, without causing any disturbance or intrusion in the neighbourhood. This valued clientele will be driven away if the premises is licensed, as well as by the doubled cost of the rooms, which has put the accommodation out of the reach of previous clientele.

The applicant suggests that the premises aims to attract local residents, however at £20 for breakfast and £150 a head for a room, this is unrealistic for the majority of local residents and visiting friends and family. Realistically the applicant is aiming for the lucrative group entertainment market including private and corporate parties and race goers. Having more money at their disposal or being on corporate expenses increases the likelihood of this profile of clientele spending more on alcohol.

The outside space at the back of the premises is enclosed within an area of high buildings that run along Holgate Road and surround St Pauls Square and Watson Terrace. This shields noise from Holgate Road. Because of this and of the purely residential nature of the area, it is intensely and uniquely quiet and secluded. During evenings and weekends, outside school hours, often the only sound is that of birds in the gardens.

The high buildings also amplify noise within this enclosed area. Noise and drug-smoking problems have been reported on numerous occasions associated with residents of Astor Hostel. Groups of 3 to 6 people can sound like 40. This is particularly the case closer to the back of the Holgate Road premises. Any outside licensed activities will entail noise and smells of cooking which carries and intrudes in our homes and gardens and affects children playing in the gardens. We are concerned that if the hotel sells alcohol to residents and members of the public it will increase this public nuisance through noise and antisocial behaviour.

By licensing the premises to attract evening drinking custom there will be noise and people and cars and taxis, even in the middle of the night, passing by our house at night and in the early hours of the morning. If sleep is disturbed this will affect our health. We will feel less secure in our home knowing that strangers are coming into the area while we are asleep.

Licensing to members of the public will dramatically increase the traffic into Watson Terrace and St Pauls Square. From 22 guests in a 24 hour period, the premises may attract 48 members of the public over different times of the day and evening, potentially up to 150 in a 24 hour period, and more when "hosting events in the outside space" as advertised on the website.

We are concerned about our **road safety**. Either entrance into Watson Terrace is restricted, and the road has no central line. Either entrance has a blind corner with very narrow pavement. The entrance into the premises car park is restricted, blind and crosses the main pedestrian thoroughfare pavement in a largely pedestrian area. The premises is grade 2 listed including the walled entrance into the car park. The car park is so confined that cars will likely have to reverse to exit the car park. The parking is totally inadequate and will lead to increased traffic around the area by customers of the premises trying to park, and this will be a public nuisance, with dangerous parking, taking our parking spaces and causing us to park further afield and will be a risk to safety.

We are concerned about **public safety**. The applicant for the licence has proved himself to be a hazard to public safety and to the possession of a licence, showing a disregard for or inability to understand or follow procedures and terms. He has failed to engage with us and make his intentions known or listen to our concerns. He concealed his application by failing to post a notice on the Watson Terrace perimeter of the premises, and by failing to advertise in the Press, and by obscuring what is being applied for with inconsistent wording and applying for activities which were not contemplated. In reply to objections to the first application, he circulated a letter to residents of St Pauls Square (omitting those most affected and closest to the premises), which is misleading and is full of false assurances. He has failed to understand or to follow the licensing application procedure, including posting a notice (on 2 occasions) before submitting his application, and with incorrect date and proposed activities, and has failed to adhere to the agreed Police and Environmental Health conditions. His designated premises supervisor qualified in January, coming from a background in hotel cleaning services. He and his staff have shown disregard for the wishes of the residents, and assumed that we welcome a radical change in use. He has failed to follow the procedures of applying for change of use, planning consent and listed building consent.

The premises plan shows a complete lack of understanding, having a childrens play area marked as a licensed area, and directly communicating with the whiskey bar area also marked as licensed. All bedrooms and en-suites are marked as licensed areas despite the Police terms requiring installation of CCTV in all areas where alcohol will be consumed.

We are concerned about increasing **crime and disorder** including parking problems. A number of properties in the Square have CCTV to monitor night time activity and break ins, vehicle crime, other damage and problems with dogs. There are break-ins to properties and vehicles from time to time which can be expected to increase with increasing comings and goings into the area.

People entering Watson Terrace and St Pauls Square walk or drive straight past the windows of our ground floor rooms including bedrooms, and past the entrance to our house and garden which open directly onto the narrow pavement of Watson Terrace. Licensing will cause many more people from outside the area to pass within inches of our windows and front door at any time of day and night.